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RECONSTRUCTION IN ARKANSAS

1862-1874

BY

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To

My Wife

DOVE HARTON STAPLES

PREFACE

In the autumn of 1914, at the suggestion of Professor William A. Dunning, I began studying Reconstruction in Arkansas. After preliminary investigations had been made, it appeared necessary to cover the period from the appointment of a military governor for Arkansas in 1862 to the recognition of Augustus H. Garland as the rightful governor of the state by the federal authorities in 1875. During this period of something more than twelve years Arkansas passed successively through a brief nominal military rule under John S. Phelps, two years of civil war, four years of civil state government loyal to the United States, a military regime under brigadier generals of the United States army, political reconstruction under the congressional acts of 1867 and 1868, six years of Republican rule, and a revolution in which the Republicans were driven from power by the local Democrats assisted by Republican influences at Washington.

An effort has been made in this study to give due consideration to all the forces and influences which appeared during these troubled years, but it has been necessary in the interest of proportion to subordinate the spectacular and the exceptional to the determining factors in the problem. On those aspects of reconstruction which were national in scope or common to the whole South, this study has been restricted to what affected the local situation in some appreciable measure.

Many acknowledgments are due for kindnesses received during the preparation of this work. To the late Professor

William A. Dunning and Professor Benjamin B. Kendrick is due an especial debt of gratitude. They have read the manuscript and by counsel have saved the author from many an error. Professor Robert L. Campbell of Hendrix College has read the manuscript. Professor Dixon Ryan Fox has very kindly read the proof. Departmental librarians at the Columbia University Library, at the New York Public Library, and at the Library of Congress have been very generous with the author. For newspaper material and official documents reliance has been placed very largely on the Arkansas History Commission, where Hon. Dallas T. Herndon rendered invaluable assistance.

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CHAPTER I

Movement for a Loyal State Government, 1863-1864

As early as July 19, 1862, with the capture of Helena by the federal army, President Lincoln felt that the time had arrived for definite assistance to the loyal people of Arkansas. On that date John S. Phelps of Missouri was appointed military governor of Arkansas.[1] The avowed purpose in that step was to aid in the reestablishment of the authority of the federal government in Arkansas and "to provide the means of maintaining the peace and security of the loyal inhabitants of that state, until they shall be able to reestablish a civil government". It was not deemed necessary to give Phelps specific instructions, reliance being placed on his discretion to adopt such measures as circumstances might require. The United States war department assured him of its perfect confidence and full support in the exercise of his functions. Moreover, Major General Butler was instructed to detail an adequate military force for the special purpose of a governor's guard and to serve under that officer's direction.[2] Governor Phelps established his headquarters at Helena and selected Amos F. Eno as his secretary. He then set about the discharge of such of his duties as the exigencies of the situation required or allowed.[3]

[1] State Adj. Gen. Bishop's *Report for the Rebellion and to Nov., 1866*, p. 3.

[2] Lincoln's *Complete Works*, vol. ii, pp. 443, 496; *Cong. Globe*, July, 1864, p. 3449.

[3] Bishop's *Report*, p. 4.

The situation, however, was such as to permit small scope for the exercise of civil functions, and the governor confined his activities to organizing the Second Arkansas Cavalry and to commissioning officers in other state organizations. He soon developed a malady which took him to St. Louis, where, from the Planters Hotel, he offered occasional suggestions on Arkansas affairs.[1]

Within a year from the appointment of a military governor, President Lincoln revoked Phelps' commission and ordered the discontinuance of the military governorship of Arkansas as no longer advisable. Phelps had done nothing towards the accomplishment of his mission, and the credit for the slight routine attached to the office belongs to General Eno.[2] Within a year from the revocation of his commission even members of the United States Senate doubted that Phelps had ever been authorized to act as military governor of Arkansas.[3] During the period of the military governorship there was in the state meager foundation for the restoration of civil authority loyal to the federal government, and the failure of the experiment could have caused the President no great disappointment. There was in the project little evidence of anything more than a slight hope on the President's part that such a course might strengthen loyal feeling.

As the Union forces advanced through Arkansas during 1863 the Confederate government collapsed in the territory within the lines of the invading army. Confederate officials and courts disappeared and left the people without civil processes. Confusion preceded the conquerors. By midsummer of that year all the territory north and east of

[1] *Official Record of the Rebellion*, series i, vol. xxii, pt. ii, p. 40.

[2] *Official Record of the Rebellion*, series i, vol. xxii, pt. ii, p. 40; Bishop's *Report*, p. 4.

[3] *Cong. Globe*, 38th Cong., 1 sess., p. 3411.

the Arkansas River was cleared of organized Confederate forces. Throughout the year Union sympathizers were finding their way to the protection of the federal army and southern refugees were drifting southward. Life and property in that region were insecure. Local bad feeling grew worse. The situation was especially galling to those in the northwestern portion of the state whose sympathy for secession and the Confederacy had never been very pronounced. Those in charge of federal military affairs in the field saw clearly the situation, and President Lincoln was anxious to turn it to good account.

By July 9, 1863, the date on which Phelps' commission was revoked, decided changes in the military situation had taken place and the President was surer of his ground so far as Arkansas was concerned. The trans-Mississippi part of the Confederacy had been cut off from the East by the fall of Vicksburg. The Confederate forces had been weakened and military discipline relaxed, while in temper and determination they had grown more desperate.[1] It was now more evident than ever that Arkansas must be conquered by force of arms rather than through offers of a chance to return to the Union by the reestablishment of a loyal civil government. The objective of the federal forces was now Little Rock, and the prospect of its early capture seemed very bright. There were fewer than ten thousand Confederates to oppose them, and the city realized its desperate straits. The editor of the *Arkansas State Gazette* called on every man who could carry a gun to rally to the defense of his home,[2] but the tone of that appeal evinced a feeling of impending defeat. The city fell on the tenth day of September, and the Confederates retired into the southwestern

[1] Edwards, *Shelby and His Men*, p. 131; *Washington Telegraph*, Jan. 13, 1864.

[2] *Arkansas State Gazette*, August 29, 1863.

portion of the state and established their government at Washington, Hempstead County. More than half of the state was then under federal control, except for occasional raidings by detached bands of Confederates who operated through a strip of country thirty or more miles wide south and southeast of Little Rock.[1]

With the fall of the capital city and the retirement of the Confederate army there sprang up again the agitation for a loyal civil government and the movement assumed such proportions as to enlist the support of a large part of the Union people. It was a difficult problem and required shrewd manipulation. Conditions were such that regularity of procedure was clearly out of the question and the promoters fell back on the mass meeting. There had been a strong Union element in the state at the outbreak of the war and the progress of the federal arms revived its loyalty.[2] This loyalty was stirred by the fervor of self-constituted leaders, many of whom had but recently experienced a change of heart on the decline of the prospect of the Confederacy. General E. W. Gantt, an ex-Confederate, threw himself into the movement and denounced Jefferson Davis, negro slavery, secession, and the Confederacy in good round terms.[3] Some of the leading newspapers of the North commented favorably on Gantt's course and thereby gave him influence in the restoration movement out of all proportion to his qualities of leadership. *The Washington Telegraph*, the only surviving Confederate newspaper in the state labored valiantly to check the wave of reviving loyalty but its efforts failed. It denounced Gantt as a traitor to his

[1] *Washington Telegraph*, September 16, 1863. Conversation with G. W. Winters, Traskwood, Ark., a member of one of these bands, December, 1915.

[2] *Unconditional Union*, June 7, 1864.

[3] *New York Herald*, Nov. 9, 1863.

country, and held him up to the execration of the youth of the South.[1]

Gantt had a very simple plan for returning Arkansas to the Union. He would have the people instruct Senator William K. Sebastian, whose term in the United States Senate had not expired, to resume his seat in that body.[2] It was generally understood among the foremost Union men of Arkansas that in July, 1863, President Lincoln had suggested to General Hurlbut, then stationed at Memphis, the advisability of sounding Sebastian on his willingness to offer to resume his seat in the Senate, but it was not known generally that Sebastian had flatly refused to take such a step.[3] To clear himself of all charges of place seeking, Gantt frankly proclaimed himself "an honest man" and declared that he would not accept an office. To his mind the only thing Arkansas needed in her efforts to return to the Union was proper assistance.[4] This position was fully endorsed by William Fishback, an original secessionist and an ex-Confederate, who now began to show his unusual capacity for detecting the course and strength of the political winds and placing himself to advantage. On October 19, 1863, Fishback addressed an audience of Union sympathizers at Little Rock, encouraging his hearers to expect great sympathy from the North in their efforts to renew their allegiance to the general government.[5]

On October 20th Dr. C. V. Meadors, the loyal editor of the *National Democrat*, came to the support of the ad-

[1] *New York Times*, Dec. 4, 1863. *Washington Telegraph*, March 23, 1864.

[2] *New York Herald*, Nov. 9, 1863.

[3] Lincoln's *Complete Works*, vol. ix, pp. 51-52; *National Democrat*, Jan. 16, 1864.

[4] *New York Times*, Jan. 27, 1864.

[5] *New York Tribune*, Nov. 19, 1863.

vocates of immediate steps towards restoration to the Union and pointed out a method of procedure. He insisted that "when a State is forced back into the Union she occupies exactly the place she occupied before trying to leave it". "When any considerable portion of a State can be reached with quiet to the voters", said he, "we shall be in favor of holding elections and calling on the people to select their agents to carry on the state government, under the constitution and laws in force before the fell destroyer—secession—raised its head in Arkansas". His plan was simply to consider General Steele, then commanding the federal forces in Arkansas, as the *de facto* military governor of the state, authorize him to order an early election to be regularly conducted, and permit all loyal men to vote.[1] Meadors urged his plan with such vigor that he drew to its support the Hon. A. A. C. Rogers, an invariably loyal man who went so far as to consent to run for governor. These efforts of the editor and the politicians failed to convince many of the people of Union sympathies, for the loyalty of many of those most actively in favor of immediate action was seriously doubted.[2]

The opposition to immediate action was strong in the neighborhood of Ft. Smith, where the movement had its origin. It was urged in that section of the state that the war had so reduced the number of electors in some localities that there was no electoral basis for a loyal civil organization. Leaders of the opposition asserted that Union sentiment was on the increase, that General Steele's policy if continued would work favorably for the Union cause, that the public mind was becoming more settled, and that what the state really needed was peace. The cultivation of Union sentiment they considered of more importance than the im-

[1] *National Democrat*, Oct. 20, 1863.

[2] *National Democrat*, Nov. 28, 1863.

mediate organization of a state government. Influenced by this idea, General Schofield, commanding the Department of Missouri, which included the northwestern part of Arkansas, refused to cooperate in a proposed election of a congressman for the first district, because he did not believe the existing conditions warranted the holding of an election.[1] Moreover, he stated that he did not know what course the federal government wished the military authorities to follow in such matters. As a better course Schofield suggested the organization of local Union clubs, with a central club at Little Rock, through which reports might be made and the development of Union sentiment ascertained. The military protection necessary for the plan suggested he would supply by organizing the loyal people north of the Arkansas River into home guards in such a way as not to interfere with operations against the enemy.[2]

General Blunt, who commanded the Union forces in the immediate vicinity of Ft. Smith, entertained ideas somewhat different from those of Schofield and encouraged the promoters. As early as September 23, 1863, he answered requests from Unionists for protection by saying: "Many applications have been made by citizens for safeguards. None will be issued. The best safeguard you can have is the American flag. Organize a civil government under the authority of the United States. Every facility will be afforded you for that purpose. I leave the matter with you trusting that wise counsels will prevail".[3] This was going far towards forcing upon the people the task of restoring civil government loyal to the United States. It started the

[1] Moore, *Rebellion Record*, vol. vii, p. 67.

[2] *Off. Rec.*, ser. i, vol. xxix, pt. ii, p. 731, Schofield to Stanton, Dec. 5, 1863.

[3] Moore, *Rebellion Record*, vol. vii, pp. 50-51; *N. Y. Herald*, Sept. 24, 1863.

machinery, which in its operations ignored "some of our citizens who desired to have a voice in the reorganization of the state government".[1]

After Blunt made his suggestion the program was pushed with such vigor and directness that the warnings of the more conservative Unionists against hasty action were ignored. The *National Democrat* cooled in its ardor and soon could see nothing in the movement but a scheme of a few placeseekers who were preparing for themselves comfortable berths.[2] The junto, as the *National Democrat* called the ardent advocates of immediate action, was especially strong with those Arkansas men who had entered the military service of the United States only after they had decided that the Confederacy must fail. It drew also from a small group of original Union men.[3]

On October 24, 1863, about twelve men met in consultation at Ft. Smith and recommended to the loyal voters of Sebastian and Crawford Counties that they hold mass meetings in their respective precincts and begin the movement for a loyal state government.[4] While this plan was not fully endorsed by the military authorities, some of the people met as suggested, passed patriotic resolutions, and committed themselves to the organization of a state government based on the principle of freedom to all races.[5] Through these irregular methods delegates found their way to the constitutional convention which met at Little Rock in January, 1864. Other localities followed the example of the people in the vicinity of Ft. Smith.

[1] *Western Clarion*, Helena, April 8, 1865.

[2] *National Democrat*, Jan. 3, 1865.

[3] Conversation, Dec., 1915, with R. C. Vance, son of E. H. Vance who was active in the movement.

[4] *Journal of the Ark. House of Rep.*, 1864, p. 17; *Off. Records of the Rebellion*, ser. i, vol. xxii, pt. ii, p. 731.

[5] *Message of Provisional Gov. Murphy*, April, 1864, pp. 3-4.

The Unionists who gathered at Little Rock after its capture by General Steele pursued a course somewhat different from that of the northwestern counties, but accepted General Blunt's suggestion as to the ends to be accomplished. In October a Union mass meeting was held for the purpose of organizing. It was attended by quite a number of citizens who passed resolutions "expressive of cordial support and loyalty to the United States and pledged their utmost support to uphold the supremacy of the federal government. A number of spirited and loyal addresses were made and a committee appointed to prepare a constitution and by-laws for a Central Union Club".[1] The committee thus appointed was instructed to draft resolutions assuring President Lincoln of their desire to have a state government established as soon as possible.[2] The Central Union Club was soon fully organized and became an effective instrument of organized effort. Here, too, army men and politicians could work in harmony. At one of the club meetings, October 31, 1863, Fishback outlined what he considered a cure for all the ills of Arkansas. From his viewpoint there was little to do except eradicate slavery, a thing easy of accomplishment since the institution was already dead in the state.[3]

Confederate sympathizers scouted the idea that these local Union meetings were genuine, and their press charged that those engaged in promoting them were few in number and not citizens of the state, but had come in with the "invaders".[4] In the autumn of 1863 Confederate county associations were organized to suppress illegal movements, in-

[1] *N. Y. Herald*, Nov. 11, 1863. The committee consisted of W. M. Fishback, C. V. Meadors, E. V. Crowl, E. P. Filkins and Isaac Murphy.

[2] Hempstead, *Pictorial History of Arkansas*, p. 58.

[3] The *Unconditional Union*, Jan. 3, 1864.

[4] *Washington Telegraph*, Dec. 2, 1863.

spire the timid, spread news, and correct false impressions. Some of these organizations became quite active and much confidence was placed in them.[1] Feeling was so tense that strangers arriving in a town were required to furnish proof of friendship for the Confederacy.[2] By December, 1863, Union meetings were being held so frequently and attended by such large numbers as to alarm the friends of the Confederate cause. It was reported that a grand mass meeting attended by three thousand "citizens old and young, the bone and sinew of the country" was held at the "corner of Scott and Orange streets" in Little Rock on Thursday night, December 31, 1863. On that occasion a division appeared in the counsels of the loyal. Dr. Meadors and A. A C. Rogers insisted that side issues be left alone and all efforts be centered on the one idea of saving the Union. Their position had considerable support. William Fishback and Colonel Caldwell of Iowa thought special emphasis should be placed on promoting the new state government project.[3] Fishback carried his point, and resolutions were passed condemning slavery, secession and the war, and claiming "for Arkansas her place in the national galaxy, changed only in her domestic institutions" so far as necessary by the war power to effect her obedience to the national government.[4] Away from Little Rock greater harmony prevailed in the meetings, because they were attended by fewer designing politicians.

South of the Arkansas River the movement was hampered by the activities of the Confederates, who were exceedingly anxious to prevent any demonstrations of loyalty to the United States. But despite Confederate vigilance the most

[1] *Washington Telegraph*, Feb. 24, 1864.

[2] *Ibid.*, Aug. 12, 1863.

[3] *National Democrat*, Dec. 26, 1863.

[4] *National Democrat*, Dec. 26, 1863.

pretentious of all these gatherings was at Benton, Saline County, December 4, 1863. It was promoted and dominated by soldiers, but had every appearance of a gathering of influential private citizens.[1] Enoch H. Vance, a radical Unionist of the community, presided, and the Hon. Willis Jones, a resident of Pike County, acted as secretary. A committee of thirteen, representing five counties, submitted resolutions denouncing slavery and rebellion, endorsing the conduct of the war by the federal authorities, and calling on "all loyal citizens of Arkansas to organize and arm and pledge themselves that they would never lay down their arms until the rebellion was crushed and slavery eradicated". But at this meeting, held in the quiet hours of the night, the politicians appeared. The ubiquitous Fishback ventured out from Little Rock to lend his influence to the cause. At the close of the proceedings he discussed the resolutions seriatim and endorsed them, but he failed to control the situation.[2]

General Powell Clayton, who in the course of these events was in command of the federal forces stationed at Pine Bluff and was an observer of the movement for a loyal civil government, believed that the men in the army took very little interest in the matter, and attributes its success to a few promoters who had their eyes on the vacant federal and state offices.[3] It is altogether possible that there was very little interest in the movement among the soldiers stationed at Pine Bluff; but such could not have been the case at Little Rock, for there on Christmas Eve the Confederates felt so keenly the influence of the military that they decided to take active measures to check all such materialization of

[1] Conversation with R. C. Vance, December, 1915.

[2] *New York Tribune*, Dec. 21, 1863.

[3] Clayton, *Aftermath of the Civil War in Arkansas*, pp. 23-24.

Union sentiment.[1] In Phillips County, where the federal troops had been in control for more than a year, neither soldiers nor civilians took any steps looking to participation in the movement until January 2, 1864. On that date in the city of Helena a meeting was held for the purpose of selecting delegates to the convention called to frame a constitution. At that meeting Brigadier General Buford of the federal army presided and unqualifiedly endorsed the selection of delegates. He claimed that he was present solely to represent a magnanimous government—not a party, and that since there was to be an assembly of delegates from all parts of the state it was wise for his community to be represented.[2]

Since July, 1863, President Lincoln had watched developments through the reports of the military authorities, but he had come to no definite conclusion. Perhaps the Arkansas situation had dropped out of his immediate plans after his suggestion for the reseating of Senator Sebastian had come to naught.[3] He was quick, however, to seize upon the possibilities in the awakening loyalty there, and on January 5, 1864, he wrote Steele that he desired to afford the people of Arkansas an opportunity to take the oath prescribed in his proclamation of December 8, 1863, preparatory to reorganizing a state government.[4] This letter was written on the second day of the constitutional convention, while it was yet unorganized, and in ignorance of the progress of events in Little Rock. Coming as it did while the delegates were beginning their work, it strengthened their hopes that the work of their hands would be acceptable at Washington. When the President learned that a convention had been

[1] *New York Tribune*, Jan. 30, 1864.

[2] *Unconditional Union*, Jan. 23, 1864.

[3] *National Democrat*, Jan. 16, 1864.

[4] Lincoln's *Complete Works*, vol. ix, p. 277.

called and that delegates to it had been elected, he became more definitely committed to it and directed Steele to cooperate with E. W. Gantt in taking hold of the movement "with an honest heart and strong hand".[1] He expressly directed in this letter that Steele take all pains to make the President's plan and that of the convention harmonize, the only point on which he would insist being that a free state constitutional provision be secured. That one thing accomplished, Steele was to put the proposition through with vigor. Thus, while the Confederate press ridiculed the activities of the Union leaders and denounced all who participated in their meetings, the form of elections was gone through and delegates came together with the approval of the federal executive to frame the organic law of a loyal state government.

There is little evidence that the movement was generally spontaneous with anybody. It was originated and carried through by the politicians and soldiers, with the sympathy and cooperation of the loyal masses. There is no doubt whatever as to the irregularity of their procedure, but the encouragement they received was such as to warrant the leaders in believing that their work would be endorsed by those in authority at Washington. A majority of the local mass meetings had resolved for immediate emancipation. By the close of 1863 President Lincoln felt so confident of the restoration of peace in Arkansas that he was giving encouragement to refugees to return to their homes in localities where Confederates had made their worst raids on northern lessees of abandoned plantations.[2] General Kimball, who had commanded federal troops in Arkansas, reported on December 22, 1863, that immense Union meetings were being held all over the state, endorsing without reservation

[1] Lincoln's *Complete Works*, vol. xx, p. 296.

[2] *Ibid.*, vol. ix, p. 268.

the acts of the national administration regarding the rebellion and recommending a convention to reorganize the state government without slavery.[1] On the twenty-sixth day of the same month the *National Democrat* claimed that the Union forces were in control of the entire state, except one or two counties or parts of counties along the southern border, and even there the people were at heart loyal.[2] On these and similar facts the friends of the constitutional convention justified the framing of a new state constitution.

[1] *New York Herald*, Dec. 23, 1863.

[2] *National Democrat*, Dec. 26, 1863.

CHAPTER II

The Constitutional Convention and Elections of 1864

The delegates-elect to the constitutional convention assembled in Little Rock on January 4, 1864, and effected a temporary organization by electing John McCoy, of Newton County, chairman, and Robert J. T. White, of Crawford County, secretary.[1] This organization must have been very irregular, since the body without transacting any further business adjourned from day to day until the sixth, when a credentials committee was appointed. It was the eighth day of the session before any business other than the appointment of a committee on printing was transacted. On that day the committee on credentials reported twenty-six delegates as entitled to seats in the convention.[2] It appears that this was the day on which the delegates first thought of such an important matter as a room in which to hold their sessions. Permanent organization was not attempted before the eleventh, when it was perfected with great dispatch. Immediately after temporary organization was effected they asked the post commander at Little Rock for the use of a room in the capitol building; and on the fourteenth day it was announced in convention that the senate chamber had been prepared for their use.[3] On the fifth day of the ses-

[1] *Journal of the Convention of Delegates of the People of Arkansas*, January, 1864, p. 3.

[2] *Ibid.*, pp. 4-6.

[3] *Ibid.*, p. 17.

sion a call "for the reading of the roll" was complied with but no record of attendance was made. Four days later the roll was called and thirty-two delegates responded. The attendance on sessions varied from day to day until the twentieth when forty-five were present. That was the highest number reached during the convention, the number present when the constitution was adopted being only thirty-two.[1]

The forty-five delegates claimed to represent twenty-three of the fifty-seven counties in the state; but six of the twenty-three counties thus represented were occupied by organized Confederate forces and four others were not clear of Confederate soldiers.[2] Conditions were such that elections could not have been held in the usual way for the selection of delegates; and consequently selections were made in a number of irregular ways. The editor of the *Washington Telegraph* doubted whether there was a single delegate in the convention who had authority to represent a county.[3] The editor of the *Unconditional Union* stated that "some thirty counties" had elected delegates, that in fifteen of these counties the electors had voted at the usual precincts, and that six thousand votes had been cast.[4] From the reports of the credentials committee it seems that some of the delegates were "regularly elected", some merely "appointed" and still others simply "entitled" to seats.[5] Some were self-appointed or chosen by home caucuses or by soldiers and refugees who happened to be at Little Rock

[1] *Journal of the Convention of Delegates of the People of Arkansas*, January, 1864, p. 35.

[2] *Publications of the Ark. Historical Association*, vol. i, p. 357.

[3] *Washington Telegraph*, Feb. 3, 1864.

[4] *Unconditional Union*, January 17, 1864.

[5] *Journal of the Convention*, pp. 4, 6, 9, 12, 30.

when the convention met.[1] Four delegates were seated by resolution, and another, John Box, of Jackson County, served on probation.[2] Irregularities in the elections must have baffled the committee on credentials in its efforts to get up a respectable attendance. During the eleventh daily session they reported that applications had been received from individuals "desiring to be reported as members of the convention" from counties in which no elections had been held.[3] But with that report the committee recommended the seating of no one without a certificate of election emanating from the authority of the people.[4] That recommendation was followed somewhat later by the adoption of a proposition to recede from "so much of our former practice as required delegates to furnish certificates of election and we further agree to admit them to seats with us".[5] As that modification came immediately before a roll call, on which only thirty-two responded, it is probable that the convention doubted whether any more properly elected and certified delegates would offer for seats.

The inadequate means of communication, the unsettled state of society, and the hostility of quasi-union men who had taken the oath of loyalty were offered in explanation of so many counties being unrepresented. The people, it was claimed, were expecting due publicity of the movement, and where publicity was not given delegates were not elected.[6] But such an explanation could not account for the tardiness of Pulaski County. That was the county in which the

[1] *Publications of the Ark. Historical Association*, vol. i, p. 357.

[2] *Journal of the Convention*, p. 22.

[3] *Ibid.*, p. 12.

[4] *Ibid.*, p. 7.

[5] *Ibid.*, p. 12.

[6] *New York Herald*, Jan. 31, 1864.

convention was held and yet the four Pulaski delegates were not reported until January 9th. Those from Phillips County were reported as late as the seventh day, and the three from Jefferson County a day later still. Indifference on the part of some genuine Unionists, suspicion on the part of others, and open hostility on the part of the Confederate element of the people were plainly in evidence and in all probability prevented action in many cases.

Fearing that certain disloyal persons would seek to "misrepresent and belittle the state convention", Col. Andrews, the federal officer in command at Little Rock, undertook to set the question fairly and squarely before the people abroad. Speaking of the delegates in convention he said: "These men have a right to speak and recommend for Arkansas. They have a right by virtue of their identity with the state, by virtue of their manhood and character, and by virtue of popular suffrage, to speak with moral authority at any rate. It is well to have due regard to precedent, but principle is more important".[1] He was happy to state "for the information of patriots abroad—that in intelligence, honesty and exalted patriotism, in moderation, spirit, and determination the convention surpasses the average of deliberative assemblies". An editor favorable to the convention declared it was "composed of the most respectable men of the state".[2] Those who still adhered to the Confederate cause spoke of the delegates as "the traitorous sons of Arkansas". "About forty fellows", wrote the editor of the *Washington Telegraph,* "some of whom have been considered heretofore, negatively, as good enough sort of men, of no particular force; but most of whom are unknown to fame, have gotten together in Little Rock, and after three weeks' sitting have brought forth a constitution for the state of Arkansas".

[1] Mattson, *Early Steps in Reconstruction*, p. 12.

[2] *Unconditional Union*, Jan. 17, 1864.

After specifying certain names the editor said: "From the names published above our readers may judge of the material of the convention".[1] The convention's estimate of itself was expressed by the committee appointed to issue an address to the voters of the state. After reviewing the irregular way in which the delegates had come together, the address said: "While we could not properly claim to be the people of Arkansas in convention assembled, with full and final authority to adopt a constitution, yet, being the representatives by election of a considerable portion of the State, and understanding as we believe, the sentiments of nearly all our citizens who desire the immediate benefits of a government under the authority of the United States, we also determined to present a constitution and plan of organization, which if adopted by them, becomes at once their act, as effectually as if every county in the State had been represented in the convention".[2]

The truth about this assemblage lies somewhere between these extreme estimates. They certainly were not literally of the "baser sort", nor were they the most respectable men of the state. Not one of them had been prominent in the state before the war, and not more than three of them figured conspicuously in public life after the Murphy government was superseded by the military regime inaugurated under the reconstruction acts of 1867. They were anxious rather than able, and it is difficult to see how under the circumstances better men could have been brought together for the purpose in hand. The ablest men available for delegates were ex-Confederates, such as Gantt and Fishback, or lukewarm Unionists, such as Dr. Meadors, who had appeared too designing or unstable on the question of returning to the Union for the people to send to a constitutional

[1] *Washington Telegraph*, Feb. 3, 1864.

[2] *Journal of the Convention*, pp. 31-34.

convention. Isaac Murphy, the best known Union man in the state, was not elected by any constituency; neither was Elisha Baxter, who had a record of unwavering loyalty. Both of these men were later elected governor of Arkansas.

It is impossible to determine with accuracy the party antecedents of the delegates. Twenty-two of them claimed to have been Democrats, nineteen Whigs, and three Americans. Thirteen had been slaveholders, but only one had owned as many as fifteen slaves. Four were merchants, four preachers, twenty-four farmers, and three lawyers. While there was only one native of Arkansas among the delegates, a majority of them had settled in the state before the war.[1] Only fourteen had resided in the state less than ten years, and only four for less than five years. C. A. Harper, who became a justice of the supreme court, had a residence of only two years. Four were of northern, two of Irish, and one of German birth. There was not an avowed Republican in the body, though some had heartily supported that party since the state convention passed the ordinance of secession.

No apportionment of delegates was made, and chance selection gave some gross inequalities in representation. If, as a condition for voting for delegates, the electors were required to subscribe to the oath prescribed in the President's proclamation of December 8, 1863, the distribution was most absurd. Crawford, Clark, Phillips, Pulaski, and Saline Counties had each four delegates, while Jefferson County, with a much larger nominally loyal population than either Saline or Clark and wholly under the control of federal troops, had only three. Clark and Saline were under Confederate control, Clark entirely and Saline very largely.[2]

[1] *New York Herald*, January 31, 1864.

[2] *Publications of the Ark. Hist. Association*, vol. i, p. 358. Conversation with G. W. Winters.

Other counties with considerable loyal white population had only one delegate each.[1]

A majority of the military officers in the state were friendly to the movement from the beginning and their friendliness ripened into active support before the convention adjourned. This was no doubt due in part to the deference paid by the members of the convention to those in command at Little Rock. We have seen how enthusiastically Colonel Andrews, post commander at Little Rock, endorsed their enterprise when they were seeking a room in which to hold their sessions. The first delegates to arrive formally recognized General Steele's authority as commander of the military department of which Arkansas was a part.[2] On the twelfth of January he was officially informed "of such convention, met for the purpose of transacting such business as may properly come before it, tending to law and order in our state, and for the permanent establishment of that peace, security and prosperity so happily inaugurated by the gallant army under your command".[3] Steele replied, felicitating them on the "collection in deliberative assembly of so respectable a representation of the people of Arkansas", and endorsing the discussion of all that pertained to the future of the state in its federal relations. Though declining as a military commander to make suggestions, he assured them that their actions and resolves would undoubtedly meet with grave attention and prompt consideration from the President of the United States.[4] Near the close of its deliberations the convention extended official thanks to Steele and "other military officers for the marked urbanity extended to the

[1] *Journal of the Convention*, pp. 5-9, 12, 30.

[2] *Ibid.*, p. 5.

[3] *Ibid.*, p. 11.

[4] *Ibid.*, p. 28.

members composing this body".[1] President Lincoln kept in touch with Steele and instructed him to aid and not to hinder the convention plan, but left him to be the judge as to the extent of his cooperation.[2] The only warning the President gave the General was that he avoid, if possible, all divisions among the friends of the common object.

On the thirteenth of January the convention adopted rules of procedure and entered upon the serious business of making a constitution. This task they interlarded with excursions into the field of general legislation by passing some rather stringent ordinances. By ordinance they fixed the per diem of members of the legislature at five dollars and mileage at twenty-five cents a mile for going to and returning from the capital.[3] In another ordinance it was provided that "no act of the legislature of this state prohibiting the education of any class of the inhabitants thereof" should have the force of law.[4] In order to check more effectively Confederate activities, a resolution was introduced asking those having federal military jurisdiction in Arkansas to prohibit under penalty of death recruiting in any manner for the armies of the so-called Confederate States. The resolution was tabled; but six days later the convention passed an ordinance making guerrillaing, jayhawking and bushwhacking after the second Monday in March, 1864, a felony punishable by hanging. Violation of the oath prescribed in the President's proclamation of December 8, 1863, after having been taken as a prerequisite to voting in the election ordered by the convention was declared by ordinance to be perjury. In the same way the importation into the state of any indentured or freed negro or mulatto, save

[1] *Convention Journal*, p. 39.

[2] Lincoln's *Works*, vol. ix, pp. 298-304.

[3] *Journal of the Convention*, p. 37.

[4] *Ibid.*, p. 37.

under the authority of the military arm of the federal government was made illegal.[1] It was ordained that no negro or mulatto, not then in the state, should ever be permitted to reside within the limits of the state, except by authority of the government of the United States or under proclamation of the President of the United States. It was made mandatory on the legislature to provide at its first session for the rigid prosecution of offenders against the ordinances regulating freed negroes and mulattoes. It appears here that the convention, while not disposed to obstruct the declared object of the war or the President's policy concerning the negroes, was nevertheless anxious to commit itself on that question no further than to endorse emancipation.

A provisional government was established, to be in force from the adjournment of the convention. It consisted of a governor, a lieutenant governor, and a secretary of state, who were to continue in office until their successors, elected by the people, should be properly qualified. The compensation of these provisional officers was to be the same as if they were serving under authority of a popular election in conformity with the proposed constitution. The provisional governor, who was to be elected by the convention, was empowered to negotiate a loan not exceeding one hundred fifty thousand dollars for the purpose of government, and to pledge therefor the faith and credit of the state.[2] On the twentieth of January officers for the provisional government were chosen.[3]

The specific work of the assembly was taken up on the eleventh of January by the appointment of a committee of thirteen for the purpose of drafting a constitution and or-

[1] *Journal of the Convention*, p. 38.

[2] *Ibid.*, p. 39.

[3] *Ibid.*, pp. 39-40. Isaac Murphy was elected governor by acclamation; C. C. Bliss was elected secretary of state.

dinances for the consideration of the convention.[1] The next day the committee was increased to fifteen [2] and within twenty-four hours reported a preamble, a constitution, and a schedule. The chairman stated frankly that his committee "had in the main reported the old constitution of the state with such alterations and amendments as have become necessary by the advancing spirit and genius of the time".[3] Judged from the scope and nature of the changes proposed in the organic law of the state, it appears that the spirit and genius of the times had advanced but little since 1860. An ordinance was adopted giving full recognition of the consequences of the existing rebellion and declaring null and void the action of the convention of March, 1861,[4] as well as all actions of whatever kind taken under the authority of that body. But to avoid undue disturbance of private relations it was provided that this ordinance should never "be construed so as to affect the rights of individuals, or change county boundaries or county seats, or make invalid the acts of justices of the peace or other officers in their authority to administer oaths or take and certify the acknowledgement of deeds of conveyance or other instruments of writing, or in the solemnization of marriage".[5] It further declared that no debt or obligation incurred under authority of that convention should ever be recognized as obligatory.

The preamble to the proposed instrument asserted the right of the people of Arkansas to establish for themselves a constitution in harmony with the Constitution of the United States, avowed the purpose of establishing a loyal

[1] *Journal of the Convention*, p. 8.

[2] *Ibid.*, p. 10.

[3] *Ibid.*, p. 17.

[4] The convention which passed the ordinance of secession.

[5] Poore, *Federal and State Constitutions*, pt. i, p. 120.

state government to secure the protection and blessings of the federal government, and pledged the body politic to continue as "a free and independent state by the name and style of 'The state of Arkansas'".[1] The phraseology of the declaration of rights was changed so as to include all men instead of white men only, but the negro was not clothed by express declaration with any rights whatever.

All laws in force in the state on March 4, 1861, not inconsistent with the proposed constitution and not expired by limitation were declared in full force and effect. The qualifications of electors were the same as those in the constitution of 1861, with the exception that now volunteer soldiers might vote in their respective departments or districts.[2] The most important change, and the one on which the convention defended its work, was the abolition of slavery, and the prohibition of the indenture of any negro or mulatto, when made or executed out of the state, or within the state when the term of service exceeded one year, except those given in apprenticeship, which should expire when the negro or mulatto reached his majority.[3] As they wished to nullify acts of a political character only, and as President Lincoln had insisted on the abolition of slavery as the prime condition necessary to secure the endorsement of the national Executive, the delegates were perfectly confident that the ratification of their proposed constitution by a popular vote would hasten the state back into the Union.

The schedule provided for a general vote on the ratification of the constitution and the ordinances of the convention and for state officers to be held throughout the state, so far as practicable, on the second Monday of March, 1864.[4]

[1] Poore, *Federal and State Constitutions*, pt. i, p. 123.

[2] Article 5, Sec. 1 of Constitution of 1864.

[3] Poore, *Federal and State Constitution*, pt. i, p. 126.

[4] *Ibid.*, pt. ii, p. 134.

It further provided that any number of white male citizens of twenty-one years of age or over, at the county seat of their county, or any number of volunteer soldiers of that age in the federal army, at the camp of their company, who had taken the oath prescribed in the President's proclamation of December 8, 1863, might choose a commissioner of elections. This commissioner was to select the necessary judges of election and serve as an enrolling officer for said county or company. He was to prepare a poll book in which was to be enrolled every qualified voter, and on the first day set for voting begin a *viva voce* election. The polls were to be kept open for three days, and within five days after the polls were closed returns were to be certified in duplicate to the provisional government. The poll books were to be kept by the commissioner and deposited with the county clerk as soon as county government should be inaugurated. It was provided that in counties where for any reason elections should not be held at the regular time they might be held at any future time until the whole state should be covered.

The convention adjourned on the twenty-third day of January, leaving six weeks between adjournment and the date set for the election. Considering the limited facilities for travel, the inadequacy of the means for publishing notices, and the active hostility of the Confederates, this was quite too short a period for securing a full vote at the election. Moreover, opposition appeared from unexpected quarters. The editor of the *National Democrat,* professedly a sound Unionist, opened war on both the convention and the constitution within three days after the adjournment.[1] He declared that there were many self-elected delegates in the convention whose sole object was the spoils of office. He pronounced the anti-slavery clause of the constitution "but the gilding to conceal the bitterness, the sugar coating

[1] *National Democrat,* Jan. 26, 1864.

to make the people swallow the pill".[1] It was his opinion that the instrument before the people had all the defects of the old constitution with some additions; that not one person in ten had read it; and that in peaceful times the people would scout it. He charged that the election was to be *viva voce* in order that opponents of ratification might be marked for proscription as rebels, copperheads and enemies, as certain members of the convention had hinted. He voted against ratification, but advised his friends to vote for the constitution to avoid serious future criticisms and handicaps. While Meadors was thus denouncing the leading advocates of the constitution as office seekers, who in ordinary times could never rise higher than justice of the peace, the *Unconditional Union* published on a "roll of infamy" the names of those opposed to ratification.[2] The editor of the *Washington Telegraph* gloried in the lack of harmony displayed by two such loyal newspapers, expressing regret that the brethren could not dwell together in unity. This Confederate editor thought, however, that the position of the *Unconditional Union* was the sounder and that Meadors was not square on the federal issue.[3]

General Steele gave the constitution and the proposed general election his unqualified endorsement. In a proclamation from headquarters, February 29th, he commended the whole course of events as thus far accomplished, and endorsed the constitution as perfectly sound on the principles of freedom. He assured the people that he was only following the instructions of his government in assuring them of every facility for securing a free expression of sentiment. "Now", said he, "if you will institute a government of your own, the general feels great confidence in as-

[1] *National Democrat*, Feb. 20, 1864.

[2] *Ibid.*, Jan. 26, 1864.

[3] *Washington Telegraph*, Feb. 3, 1864.

suring you that quiet and security will soon be restored to your entire borders".[1] President Lincoln endorsed Steele's proclamation and authorized him to encourage Confederates in taking the oath and working for the new constitution.[2] This communication from the President seems to have suggested to Steele that pardons might be forthcoming to those who should take that course.

While the convention was framing a constitution and inaugurating a provisional government a committee of citizens was in Washington in the interest of a loyal state government of some kind.[3] The efforts of this committee were supplemented by petitions from various citizens of the state to the President asking him to authorize an election at which the people of Arkansas might elect a governor.[4] Both the committee and the President seem to have lost sight of the constitutional convention at Little Rock, for on January 20th Lincoln proposed to General Steele a plan for electing a governor.[5] But when he learned that his plan and that of the convention differed in essentials only as to the date for voting, he endeavored to harmonize matters by accepting the convention's plan.[6] He had announced to the committee of citizens at Washington on January 23rd that he would not appoint a separate military governor for Arkansas, and had expressed the hope that the formal reorganization of the state under the oath of December 8, 1863, would be made speedily.[7] Fifteen days later he tele-

[1] *Sen. Miscellaneous Doc.*, 38 Cong., 1st Sess., no. 124; *An. Cyc.*, 1864, p. 29.

[2] Lincoln's *Works*, vol. x, p. 291.

[3] It appears that this committee was only a group of self-appointed individuals acting without warrant from any source.

[4] *National Democrat*, Feb. 20, 1864.

[5] Lincoln's *Works*, vol. ix, p. 289.

[6] *National Democrat*, Jan. 30, 1864.

[7] *Ibid.*, Jan. 23, 1864.

graphed Murphy, provisional governor, that Steele had been ordered to cooperate with the convention plan.[1] He wrote William Fishback on February 17th that he had sent two letters to Steele and three or four dispatches to others to the effect that Steele must be the master mind, help the convention, and keep down discord. The President had late in January asked General Sickles to make a trip of investigation to Arkansas[2] and had urged him on February 10th to start at his earliest convenience;[3] but later to avoid confusion this design was abandoned and Steele left to direct matters.[4] This decision was called out by requests from Arkansas citizens that the date of the election be set for a day other than that fixed by the convention.

On February 20th members of the committee which had been to Washington reached Memphis on their return and issued an address to "the people of Arkansas", assuring them that the authorities at Washington had been consulted and that there would be an election in March. The authors of the address declared there was a bright prospect for Arkansas in the old Union. They claimed that they had been through much of the North and had found the people there ready to receive the "South by rejoicings and illuminations all over a happy land". The address made a strong plea for those yet in arms to lay down their arms and cease all opposition to the old government, for they could depend on the North to do its utmost to relieve their "sufferings and sorrows" and to encourage their return to the national fold.[5] Along with this appeal they pictured a dark future for those who persisted in following the de-

[1] Lincoln's *Works*, vol. ix, p. 304 and vol. x, p. 11.

[2] *Ibid.*, vol. ix, p. 298.

[3] *Ibid.*, vol. x, p. 4.

[4] *Ibid.*, vol. x, pp. 19-20.

[5] *National Democrat*, Feb. 20, 1864.

magogues who had brought on the rebellion and were still doing what they could to continue it. Rufugees were exhorted to return to the state and help in the movement then on foot.

The Confederates realized the danger in this address for the coming election and took occasion to ridicule the committee.[1] It was asserted that there were enough federal soldiers in Arkansas to make one-tenth of the voting population of 1860 and set up a bogus state government.[2] Governor Harris Flanagin, of the Confederate state government, urged on General Kirby Smith the importance of obstructing the election. It was Flanagin's conviction that the organization of a loyal state government would serve as a nucleus around which all the elements unfriendly to the Confederacy would soon rally. He, therefore, urged a vigorous movement of the Confederate forces as the best means of interfering with the voting.[3] The forces available for that purpose were about thirteen thousand, stationed at Princeton, Tulip, Rockport, Washington, and Camden.[4] Much had already been accomplished in that direction, for except in those districts immediately surrounding federal military posts the whole state had been visited by Confederate sympathizers whose sole mission was to prevent manifestations of loyalty to the United States.[5]

The election for state and county officers was held at the

[1] The committee was composed of Josiah Snow, John Kirkwood, Samuel D. Belante, Isaac Mills and E. W. Gantt.

[2] *Washington Telegraph*, March 2, 1864; *National Democrat*, Feb. 20, 1864.

[3] *Publications of Ark. Hist. Assn.*, vol. i, p. 361.

[4] *New York Tribune*, Jan. 25, 1864. The forces were as follows: 600 at Princeton, 400 at Tulip, 4000 in and near Rockport, 3000 at Washington and 5200 in and near Camden.

[5] *Annual Cyc.*, 1864, pp. 29-30.

same time and under the same conditions as was the vote on the constitution; and in that part of the election interest was especially keen, for therein lay the fruits of their labors. Preparation for placing candidates before the people began early; and on January 23rd a state ticket was announced, presumably by authority of a state central union committee. But that committee soon became so dictatorial that it lost much of its influence before the election. On March 11th, just two days before the voting was to begin, it announced that A. A. C. Rogers had been dropped from the ticket and W. D. Snow was the candidate instead.[1] Rogers had been denounced unjustly as a copperhead and his enemies on the central committee took advantage of that fact to replace him with one of their own choice.[2] Rogers was a perfectly sound Union man and in hearty accord with every step thus far taken to restore Arkansas to the Union, but the self-constituted committee desired a more pliant man. He defended his rights as a regular candidate and Snow also entered the canvass. The contest which followed in the second congressional district furnished about the only excitement in the election. As for the county elections little is known. Union nominating conventions were reported from some counties, where it was claimed that full county tickets were nominated, but there is no evidence that such procedure was general.[3] At least one such convention was held before the constitutional convention adjourned, but all the evidence suggests that it was composed of residents of Saline County then in the military service of the United States.

Opinions as to the regularity of this election differed

[1] *Unconditional Union*, March 11, 1864.

[2] *National Democrat*, Feb. 29, 1864; Feb. 24, 1864; March 12, 1864.

[3] *Unconditional Union*, March 4, 1864.

greatly. One editor asserted that "out of fifty-four counties he was safe in saying elections were not held in half of them, and of the seventy-five members of the legislature a majority did not get a vote in any county they claimed to represent".[1] "How many elections were held in the counties", said he, "we have no means of knowing. The poll books are sealed books—elections were held in military camps for distant counties". The fact that the friends of the movement were exceedingly anxious to get at least a ten per cent showing accounts for much of the irregularity. Drastic measures were taken against those who failed to vote for ratification, where the "league" or "society" had begun its work of creating loyalty.[2] It was asserted that "those not in the secret" had no idea of the manner of the election, where individual citizens would pick out on the streets of Little Rock men from distant counties, get two or three men to vote for such candidates, and certify to their election.[3] Certainly great irregularity and confusion attended the canvass and the voting, and to add to the confusion leading Confederates assembled at Washington, Arkansas, to consider what steps should be taken concerning this proposed restoration to the Union. There under the inspiration of some of the ablest men of the state resolutions were adopted asserting the cause of the Confederacy to be just, independence certain, separation as "irrevocable as an edict of Divine justice", and Lincoln's amnesty proclamation an act of a foiled tyrant.[4]

On the other hand, friends of the restoration movement defended the election. While some admitted that it was at

[1] *National Democrat*, July 2, 1864.

[2] *Van Buren Press*, June 28, 1867, for activities of these societies.

[3] *National Democrat*, June 4 and 11, 1864.

[4] *Washington Telegraph*, March 16, 1864.

the risk of their lives that they attended the polls,[1] others testified that "the election held to ratify the constitution was as free and fair an election as was ever held anywhere".[2] "The people came some distance and would come repeatedly during the three days of election in order to vote", said Colonel C. C. Andrews.[3] The editor of the *Unconditional Union* claimed that forty-three of the fifty-seven counties voted on the question of ratification.[4] A most intelligent citizen, a bushwhacker in 1864, doubts whether there were any polling places regularly conducted at that time.[5] But the ease with which a vote of more than ten per cent of the voting population of the state in 1860 was polled for ratification and for state officers enabled the promoters to claim a fair degree of regularity. There had been in Arkansas in 1860, it was estimated, 54,000 voters, and although the war had greatly reduced these, they were still estimated at from fifteen to sixteen thousand.[6] Now, as 5,406 votes under the President's plan would give all the appearance of a bona fide election, when it was announced that ratification had carried by 12,177 out of a total of 12,403 votes cast,[7] the friends of the constitution claimed an overwhelming victory.[8]

The election methods and certain cases of irregularity merit special notice. William Beshears was elected by two

[1] *Publications of Ark. Hist. Assn.*, vol. i, p. 361.

[2] W. D. Snow, U. S. Sen.-elect in *H. Reports*, 39 Cong., 1 Sess., pt. iii, no. 30.

[3] C. C. Andrews, *ibid.*

[4] *Unconditional Union*, June 30, 1864.

[5] G. W. Winters, Traskwood, Ark., Dec., 1915.

[6] *House Reports*, 39 Cong., 1st Sess., pt. III, no. 30.

[7] *National Democrat*, April 11, 1864; *Off. Rec. of Reb.*, ser. i, vol. xii, pt. iv, p. 723.

[8] *Annual Cyc.*, 1864, p. 29; *H. Reports*, 39 Cong., 1st Sess., pt. III, no. 30, p. 74.

votes to represent Desha County, the two voters being Beshears himself and a man unknown to the judges of election, but claiming to be from Desha.[1] The voting took place, not in or near the county concerned, but on the streets of Little Rock. It was charged that when it was deemed necessary to have a county represented, William Fishback would "pick out some fellow to represent it, let him vote for himself and get some one or two others to vote, certify the election", and let the member take his seat in the legislature.[2] A member of the legislature claiming to represent Hempstead County died, and his successor was seated "before the dead man had scarcely been buried". Nixon, the representative-elect from Franklin County, was killed while on his way to Little Rock; and in "a day or two" before an order for an election could have reached the county, a distance of more than a hundred miles from the capital, a man appeared and took his seat as representative from Franklin County.[3] Fishback, the man charged with the grossest frauds connected with these elections and an aspirant to senatorial honors, claimed that there were "heated contests in nearly every county", that there was only one charge of unfairness, and that this single case concerned only a local officer.[4]

President Lincoln took a lively interest in the election[5] and urged Governor Murphy to send him the returns as fast as they were received.[6] Moreover, when the results were known he telegraphed Murphy: "I am much gratified that you got out so large a vote, so nearly all the right way,

[1] *National Democrat*, June 4, 1864.

[2] *Ibid.*, June 11, 1864, for affidavit of W. Halliman.

[3] *Ibid.*, June 11, 1864.

[4] *New York Times*, October 2, 1864.

[5] Lincoln's *Works*, vol. x, p. 43.

[6] *Ibid.*, p. 49.

at the late election; and not less so that your state government, including the legislature, is organized and in good working order. Whatever I can I will do to protect you: meanwhile you must do your utmost to protect yourselves." [1] These communications from the President strengthen the testimony of Fishback and Harper that the election was regular and tend to discredit the charge of the *National Democrat* that it was a farce. The truth of the matter lies somewhere between the extremes. Conditions were such in March, 1864, that a perfectly regular election was out of the question; but there were localities, especially in the immediate neighborhood of federal military forces, where by skillful management on the part of such men as Fishback great show of a normal election could be made to appear.

It is highly probable that the communications from the President to Murphy were prompted by his eagerness to seize upon any chance to restore loyal state government in the rebel territory rather than by any special merits of the Arkansas movement. The initiative did not belong to him, but to individuals in the state; and his support was won by the prospect of greater good from their plan than from one that might be evolved at Washington.

[1] Lincoln's *Works*, vol. x, p. 85.

CHAPTER III

Civil Government Loyal to the United States

The provisional government created by the constitutional convention and inaugurated on January 20th, was now to give place to regular constitutional state government. It had been of slender structure, slight activity, and very short life. The only power specifically granted it was one authorizing the governor to negotiate a loan to meet the expenses of government and that was never exercised.[1] In his message of April 16, 1864, Governor Murphy in summing up the work of this provisional government said: "I assumed no power, and felt unwilling to perform any executive act until the constitution and ordinances were ratified by the people". It appears that his only public act during this period was to deliver a message to the legislature when it first assembled under the constitution. The other officers of that government must have been as inactive as the governor. At best it was little more than a pretense at civil government; for wherever authority was exercised within the federal military lines it was subject to strict military regulation, and outside the federal lines the Confederate state government held sway. But whatever doubts the governor may have entertained concerning the nature and power of the provisional government, he had none whatever about the nature and claims of the nascent constitutional government. He now found himself unreservedly ready to carry out "the almost unanimous vote of the loyal voters of the state" in putting the new machinery in motion.[2]

[1] *Journal of the Convention*, 1864, pp. 27, 39.

[2] *House Journal, Ark.*, 1864, p. 18.

On April 11th he issued a proclamation announcing the election of the officers provided for in the new constitution,[1] and seven days thereafter the inauguration ceremonies were performed with great show of enthusiasm and regularity.[2] The federal military authorities at Little Rock gave their support to the occasion, to the extent of marching in the procession with civilians and determining the order of march by a special order. This special order did more: it suggested that the loyal people could show their sympathy for and their appreciation of the "beneficent event" and "historical movement" in no better way than "by closing their stores and places of business and giving their attendance during the ceremonies".[3] The effect of such unqualified endorsement was exactly what the friends of the new state government desired. The editor of the *National Democrat*, no very warm friend of the faction in charge of the infant "Free Arkansas", reported that from twelve to fifteen thousand persons were present at the inauguration of Governor Murphy to show their loyalty and hear the address of the new executive,[4] Just what part of this throng came from the military and what part consisted of civilians was not mentioned in the press reports.

Arkansas was to be started on its way to restoration by addresses and parades. Murphy was not a vigorous leader and had been selected for governor solely because of his record since the secession movement came to its climax in 1861. Being a non-slaveholding school teacher and fledgling lawyer in the hills of North Arkansas, and withal a man of delicate moral sense and tenacity of purpose, he had stood by the Union since the first rumblings of secession.

[1] *National Democrat*, April 11, 1864.

[2] *Ibid.*, April 23, 1864.

[3] *Unconditional Union*, April 16, 1864, for special order no. 14.

[4] *National Democrat*, April 23, 1864.

He was elected as a Union man to the convention of 1861, and during the first session of that body had voted constantly against all compromising measures. During the recess of that convention most of the Union delegates went over to the secessionists, but Murphy remained steadfast. On the first ballot on the question of secession he and five others voted in the negative; but immediately a movement started to make the vote unanimous, and all but Murphy yielded. This man, frail in stature, not above the average in intellect, insignificant in appearance, but firm of conviction, defied the appeals and bluster of the seceders and cast his vote for the Union. At the close of the convention he returned to his home at Huntsville to await results. But when the federals began their advance through Arkansas and the Confederate authorities began using severe methods to force every eligible man into the Southern army, he went into the federal lines and remained there until called forth by the convention movement of 1863. He was honest and unpretentious, industrious, but perhaps too credulous, and certainly weak in personality. He was not such a man as the situation required if the restoration movement was to make substantial progress.

The inaugural address was a solemn plea for the return of the state to the Union purified of all the sins of the old order of things and prepared to follow a policy which would promote peace. The policy suggested by the governor was simple. It should be designed to protect all and aid the general happiness and prosperity. This, he thought, could best be accomplished by educating the lower classes, for "virtue and morality sustained by a sound education and a pure Christianity are the pillars of liberty", and without them the political structure falls. Slavery should go, he thought, because "the lessons of history stamp the institution with crime and disaster". This institution, he claimed,

had arrayed itself in rebellion and must now be crushed before the state could be regenerated. In this address the new government was represented as emerging from rebellion and anarchy, commencing under embarrassing circumstances, without money, without military power, with homes pillaged, but resolved on regeneration. Despite marauding bands and rebel threats, the governor felt sure that the patriotism which had prompted the loyal undertaking would carry it through. He recognized fully the colorless loyalty of many of the citizens but his own mind was definitely made up. "In short", said he, "the policy I recommend to the state is to cultivate and improve the land, cultivate the intellect, the morals and the Christianity of the state; cultivate the refined tastes, the virtues, the arts and the sciences; honor labor—look up to toil as the source of all that is good and great. Trust only those men who are known to be truly loyal and sincere friends of the government, then the blessings of the Good Ruler will rise in us to honor that which is true and pure".[1]

For elements of sound policy in times of peace there was no need of going beyond this message. The proper functions and ends of civil government were clear to the governor, and he indicated great hope of being able to promote them. His weakness lay in not being able to understand and control the elements which created the situation in which the new state government had to make its beginning.

The situation was not propitious for the inauguration of civil government. The endorsement of the President and the hearty cooperation of the military authorities were not of themselves sufficient foundation for such a government. It would of necessity be extremely weak so long as the Confederate state government could share with it authority over

[1] *Murphy's Inaugural Address*, April 18, 1864.

large parts of the state. There was serious doubt as to the loyalty of many who professed devotion to the Union cause and had taken the oath of allegiance to the United States.[1] If all professed loyalists could have been counted as genuine, there was still great danger from the designing politicians who were trying to control affairs.[2] Some of the leaders realized on what slender chances their success depended. It was wise counsel which "warned the people that the state government was less a resumption than an experiment, that most of the officers elected were secessionists, that their loyalty was only being tested, and that their success would depend on the ability of the general assembly to rise above partisan interests and legislate for all the people".[3] But even this view failed to take sufficiently into account the temper of the Confederate element of the people, the economic and social chaos throughout the state, or the military strength of the Confederacy.

The impression was strong among Union leaders in some portions of the state that there had been since the passage of the ordinance of secession a very considerable Union element in Arkansas and that the only condition necessary for its vigorous expression was a guarantee of protection.[4] This feeling, it was asserted, had been in evidence during the early stages of the war.[5] It was recalled that in 1861, in the election of delegates to the state convention which was to consider Arkansas' attitude towards the secession movement, the returns indicated a Union vote of 23,626 against a secession vote of 17,927.[6] It was now claimed that this

[1] *Murphy's Message*, April 18, 1864, p. 10.

[2] *National Democrat*, April 23, July 2, 1864.

[3] *National Democrat*, May 4, 1864.

[4] *Ibid.*, Nov. 28, 1864; *Unconditional Union*, June 30, 1864.

[5] Richardson, *Messages and Papers of the Presidents*, vol. vi, p. 23.

[6] Nicolay and Hay, *Abraham Lincoln*, vol. iv, p. 248.

same loyalty was making a desperate effort to assert itself and had become so pronounced as to demand that traitors be punished by proscription. One editor was sure that if the people were permitted to express their sentiments they would be found for the Union.[1] On the other hand the Confederates were just as emphatic in declaring that such claims for loyalty to the United States were without foundation. They insisted that the people between the Arkansas River and Missouri state line had been "intensely southern" since the fall of Little Rock and would rise in resistance to Union authority, state or national, at every opportunity.[2] Some ardent supporters of the Confederacy thought no persons of respectability were going over to the federals. Colonel John Eakin, editor of the *Washington Telegraph*, said of E. W. Gantt's appeal to the North for encouragement to the new state government: "Toadyism can no longer go; but Gantt tries. He is good to hold up as a terrible warning of the depths to which a human nature can sink, when principle is once abandoned. Let the youth of the South contemplate him".[3] It should have been perfectly clear that the new state government could expect nothing but enmity from the vast majority of those who at one time or another had espoused the Confederate cause.

During 1864 the Confederates were reported as becoming more atrocious in their irregular warfare against Unionists. This was perhaps true; for they felt that barbarity reached its worst in the conduct of bands of federal militia.[4] Union men and their families, it was charged, were spurned by Confederates, and loyalty to the United States had be-

[1] *National Democrat*, Dec. 26, 1863.

[2] *Washington Telegraph*, Dec. 2, 1864.

[3] *Ibid.*, March 23, 1864.

[4] *Official Records of the Rebellion*, ser. i, vol. xxii, pt. ii, p. 824.

come a term of reproach.[1] Federal sympathizers reported a general exodus of loyal people,[2] and Governor Murphy in his message to the legislature in November stated that after Steele's retreat from Camden a veritable reign of terror was inaugurated by "rebel hordes" spread over the state.[3] It was openly acknowledged that the only hope of the Unionists was in "the immediate attention of the loyal government". Except in the vicinity of federal military posts Confederates dominated the state in such a way that the state government could not afford its adherents adequate protection.[4]

The economic situation, though discouraging, was not without some promise. The crop of 1863 was good, except where the military forces had operated. One newspaper correspondent thought the people of Arkansas could not be starved, because of their immense number of cattle, fair supply of hogs, extra large yield of sweet potatoes, and nearly "enough corn to have supplied the Egyptians during their seven years of dearth".[5] A small detachment of Union soldiers stationed at Roseville, Logan County, reported two hundred bales of cotton ginned, 100,000 bushels of corn gathered and 1,000 bushels being gathered daily; and suggested the feasibility of saving 200,000 pounds of pork, if salt could be had. The supply of foodstuffs in that region must have been abundant, for these collections had been made while the men were primarily engaged in running two saw mills and fighting the bushwhackers.[6] Cotton

[1] E. D. Rushing, in *Unconditional Union*, June 7, 1864.

[2] *National Democrat*, Dec. 3, 1864.

[3] *Ibid.*, Dec. 24, 1864.

[4] Conversations, 1915, with G. W. Winters, Judge Carroll Armstrong, J. H. Shoppach and Noah Hayes.

[5] *New York Tribune*, Dec. 14, 1863.

[6] *Ibid.*, Dec. 21, 1863.

was of special interest, because of its high price and the ease with which it could be found and marketed. Before the new state government was inaugurated cotton agents had covered large parts of the state. As a rule the owners realized nothing from their cotton when it fell into the hands of these agents.[1] In that section of the state largely under federal control in 1863 cotton and corn were reported as plentiful and wheat rather scarce.[2] There is no evidence that the people in that region lacked sufficient wheat for their normal consumption. On the whole there was sufficient food north of the Arkansas River.

As the view shifts across the middle zone into the section largely controlled by the Confederates a different situation appears. In mid-summer of 1864 crop prospects pointed to a good yield. Corn was reported as unusually good and wheat never of a better quality, though reduced in acreage. Though corn prospects were "magnificent", the people were exhorted to sow turnips, "which are good food in case of scarcity".[3] Governor Flanagin, of the Confederate state government, in a message to his legislature in September, 1864, called attention to the food situation and suggested drastic measures against the manufacture and use of whiskey. He declared that grain was selling at such enormous prices that people in many cases could not purchase necessary food. Food was evidently scarce when the governor thought the small amount of grain made into whiskey materially reduced the food supply of the people. To this food shortage was added the great difficulty in getting grain ground for private use. A Confederate soldier complained bitterly that "all water mills are used for the government

[1] *New York Tribune*, Jan. 30, 1864.

[2] *Off. Records of the Rebellion*, ser. i, vol. xxii, pt. ii, p. 717.

[3] *Washington Telegraph*, June 8 and 28, 1864.

while the families of soldiers send twenty miles to the nearest mill".[1] He appealed to the planters to provide mills to grind for soldiers' families in order to keep down discontent in the army. The money of the people, Confederate paper, had depreciated to the extent that flour was forty dollars a barrel, "salt $10 per bushel and other things in proportion. Bacon could not be had".[2]

Contemporary testimony is unanimous that organized business collapsed as the Confederates retired before the Union army. Confederate paper was the only medium of exchange, and it was practically worthless. But very few communities escaped raids and counter raids by the contending armies. Soldiers of both armies helped themselves to what there was of food and shelter. Clothing was scarce, and had to be supplied very largely by home manufacturing, for which cards, looms, raw material, and labor were inadequate. The mechanical skill for repairing and replacing tools, implements, and machines was lacking. Agriculture was in but little better state. Women, boys and very old men, together with those negroes who remained with their masters, made up the labor supply. Most of the horses and mules had been drafted for military uses, and with the relaxing of civil authority horse stealing became prevalent in localities where neither army could afford protection. Cattle and hogs often went the same way. Transportation had virtually ceased, for the very simple reason that there were neither commodities, facilities, nor a medium of exchange. The ox was the chief dependence for draft purposes, and by 1864 he was often undersized and underfed. The public roads and bridges, inferior at the beginning of the war, had been utterly neglected. Bridges had disappeared entirely. Fences had been destroyed by nature and the

[1] *Washington Telegraph*, Jan. 13, 1864.

[2] *House Journal, Arkansas*, 1864, p. 212.

enemy, and the crops left to the mercies of the animal kingdom. Insecurity and want reigned everywhere.

Where the federal army established posts the sutler followed, and in some cases proved a source of welcomed relief to the people. In isolated cases the army officers permitted the sale of limited amounts of cotton and the purchase of necessities from the sutlers. In Little Rock a central market was established and regulated by the military authorities, and farmers near the city were urged to bring in their produce at stated hours.[1] Sales of produce at other times and places were prohibited, a scale of prices was fixed and the market placed under the supervision of Provost Marshall W. W. DeKey. All trade in the city of Little Rock was subject, however, to heavy licenses.[2]

The negroes, with many exceptions, drifted to the federal army whenever it came within their reach. This had but slight effect on the people in the hill counties where slaves had never been numerous; but along the rivers it practically destroyed the labor supply of the families in sympathy with the Confederacy. What disposition to make of the negro was a serious problem for the invading army. As they drifted into the military lines they became a burden and object of solicitude. They were destitute and too ignorant to help themselves; and easily fell victims to their new deliverers; or, if not protected by the military, became the objects of harsh treatment at the hands of the lower classes of Southern whites. During 1863, before any plan had been worked out for managing them, they fared especially hard at the hands of the soldiers. Even contract physicians maltreated them occasionally.[3] The federal officers in some

[1] Special Orders, No. 120; *National Democrat*, Oct. 20, 1863.

[2] *National Democrat*, Oct. 20, 1863, for license regulations.

[3] *New York Herald*, Sept. 25, 1863, for memorial of Chaplains Assn. of Eastern Ark. to Gen. Curtis praying better treatment for the blacks.

cases along the Arkansas invited the planters to stay at home and employ the negroes, but the terms and conditions offered were not usually acceptable to the planters, and blacks continued to gather about the army camps.[1] Thirty-six hundred, of whom thirty-two hundred were self-sustaining, were reported as collected at Helena alone.

It was suggested that a good plan for caring for the negroes, without great cost to the federal government, would be to extend the lessee system. A large number of the lessees, it was claimed, were negroes, some of whom had realized from two to five thousand dollars for their efforts so far.[2] This system contemplated leasing the confiscated and abandoned plantations to loyal men, who would in turn contract for negro labor on terms liberal enough to hold the blacks to their duties as free laborers and at the same time relieve the national government of the burden of caring for them.[3] The chief difficulties in the way of this system were the indisposition of the negro to observe his contract, the rascality of many of the lessees, and a determination on the part of guerrilla bands of Confederate sympathizers to break up all leased plantations. The best plantations and the largest negro population lay exactly in the zone subject to such raids. That continued to be the case until the Confederates laid down their arms.

It is clear from this view of the situation that there was insufficient foundation, economic or social, for the establishment of a free state government during 1864. The constitutional basis, as embodied in the new constitution and endorsed by the President and the army officers, was in keeping with the most advanced conservative thought on the question of restoration at that time. It remains for us to

[1] *Washington Telegraph*, Sept. 30, 1863.

[2] *New York Herald*, Sept. 25, 1863.

[3] *New York Tribune*, Jan. 30, 1864.

see whether there was within this new organization the strength necessary to defend itself or project itself in such a way as to enable the United States to protect it. This inquiry calls for a review of military operations in Arkansas from January, 1864, to the surrender of the Confederate forces in 1865. For our purpose, however, only those movements which affected, directly or indirectly, the processes of civil government will be considered.

On August 10, 1863, General Kirby Smith of the Confederate army issued from his headquarters of the trans-Mississippi department a call for the people to rally and unite for the defense of their cause.[1] Eight days later, just as this appeal was reaching the people, the Confederate governors of Arkansas, Texas, Louisiana, and Missouri issued from Marshall, Texas, a joint address to their people to keep up the struggle in which they were engaged.[2] Not even the fall of Little Rock could destroy Confederate hopes of holding a large part of the state. When the federals advanced on the city, General Price retired towards Arkadelphia, leaving General Marmaduke in his rear to harass the enemy.[3] General Steele so distributed the federal forces as to occupy the line of the Arkansas River, with posts at Napoleon, Pine Bluff, Little Rock, Lewisburg, Dardanelle, and Ft. Smith. A post in advance was established at Benton, another for protecting the railroad at Brownsville, and others in his rear at Austin, Jacksonport, and Devalls Bluff.[4] From these points he would protect loyal citizens, prevent Confederate raids into territory north of the Arkansas River, win over the people, and press the enemy forces

[1] *Washington Telegraph*, Aug. 19, 1863.

[2] Moore, *Rebellion Record*, vol. vii, pp. 406-407.

[3] *Washington Telegraph*, Sept. 16, 1863.

[4] *Off. Records of the Rebellion*, ser. i, vol. xxii, pt. ii, p. 699.

in the Southwest. His policy was lenient and fully endorsed by the conservative Unionists.[1] Additional federal forces were hurriedly shifted to Arkansas, home guards were immediately formed in territory recovered from Price's army, and by the middle of November it was claimed that all guerrilla bands as well as organized Confederate forces had been driven south of the Arkansas.[2] It was thought that Steele would have but little to do so long as General Banks operated towards Texas. But the Confederates became exceedingly active, and in September and October Shelby's raid through North Arkansas into Missouri threw the federals in Arkansas into confusion.[3] Steele's position, in view of the movement for a civil government, demanded that he hold the territory already won, afford protection to individuals claiming to be Unionists, and advance on the enemy as opportunity offered. That was the only way by which the state could have been held in any degree of security.

A blunder was committed when on October 20th, before he had the situation well in hand, Steele was ordered to cooperate with Banks on Red River.[4] The outlook was bright when the federals, in compliance with these orders, began advancing towards the Red River.[5] But Banks' enterprise proved an ignominious failure and Steele was forced to retreat to Little Rock.[6] No other forces were sent southward to crush the Confederates, who, with Steele's retreat northward, began to recover the territory they had lost since September 10th of the preceding year. Union sympathizers

[1] *National Democrat*, Oct. 20, 1863.

[2] *Off. Records of Rebellion*, ser. i, vol. xxii, pt. ii, p. 268.

[3] *Ibid.*, pp. 298, 724, 741.

[4] *Ibid.*, pp. 711, 717, 731, 741.

[5] *Ibid.*, ser. i, vol. xli, pt. ii, p. 503.

[6] *National Democrat*, May 7, 1864.

now began leaving the state, and many who had but recently taken the oath of allegiance to the United States returned to the rebel fold.[1] The Union forces continued to hold the Arkansas valley, with their chief posts at Little Rock, Pine Bluff, and Ft. Smith,[2] and in November claimed control over the entire state.[3] This claim was not justified by the actual facts. While the federals were in control of the territory north of the Arkansas River, guerrilla raids into that section of the state were frequent; and south of the river the Confederates moved about at will.[4] The federal posts north and south of the Arkansas valley could only check guerrilla raids, and often they raided a little on their own account. In the midst of such unsettled conditions as existed south and southwest of Little Rock the new state government could make but little progress. It had not the strength of itself, nor could it cooperate sufficiently with the Union forces, to protect itself in the enjoyment of normal functions.

The Confederate state officers kept up the appearance of authority, and the one remaining Confederate newspaper stood faithfully in their support. The formation of county committees was encouraged for bolstering up the spirit of the people.[5] Governor Flanagin called his legislature to meet in special session on September 22, 1864.[6] When that body assembled there was only the shadow of life in it. It had the unqualified endorsement of the *Washington Telegraph*, and that was sufficient encouragement to keep up a bold front to the public.

[1] *House Reports*, 39 Cong., 1st Sess., pt. iii, no. 30; *N. Y. Herald*, Aug. 3, 1864.

[2] *Official Records*, ser. i, vol. xli, pt. iv, p. 885.

[3] *National Democrat*, Nov. 25 and 30, 1864.

[4] *Washington Telegraph*, Sept. 28, Nov. 9 and 30, 1864.

[5] *Ibid.*, March 16, 1864.

[6] *Ibid.*, Sept. 14, 1864.

The progress of the Union forces and the situation of the people still loyal to the Southern cause were offered as reasons for calling the legislature into extra session, but that step proved useless. The state capital had shrunk in resources until the housing and feeding of a few members of the general assembly was a serious problem.[1] The proceedings of the body show to what straits the state had been reduced. An act was passed authorizing the governor to transport the records and archives to any place of safety.[2] By another act it was provided that soldiers in camps might elect state senators and representatives for counties held by the enemy.[3] The extent to which Confederate territory had shrivelled was reflected in an act authorizing soldiers in camps to elect members to the Confederate Congress. The financial distress and the destitution of the people were exposed in the passage of an act requiring the auditor-of-state to issue non-interest bearing, for interest bearing, warrants, and in the adoption of a resolution calling on General Kirby Smith to inquire into the scarcity of farm stock.[4] Appropriations were made for part of 1864 and the whole of 1865 and 1866. An appropriation of $25,000 was made for the purchase of paper for printing the public acts of the state and the reports of the state officers.[5] The sum of $200,000 was set aside for the purchase of salt for the families of soldiers. But perhaps the most suggestive of the acts passed at this session was one requiring the governor to reinstate the courts and court officers throughout the state.

[1] *Washington Telegraph*, Sept. 14, 1864.

[2] *House Journal*, p. 1.

[3] *Ibid.*, p. 4.

[4] *Ibid.*, pp. 12-13.

[5] *Ibid.*, pp. 5-6.

The situation grew worse through the winter of 1864-1865, and spring found the Confederate state authorities ready to give up the struggle. General Lee's surrender, followed by a general depression of spirit, suggested that efforts be made to restore peace at once. It was understood that some would never forsake the Confederate civil officers so long as they kept up the appearances of a government,[1] and that led Governor Flanagin on May 22 to commission Augustus H. Garland to proceed to Little Rock and in conjunction with Judge J. J. Clendennin negotiate terms for restoring peace.[2] This mission failed of its purpose, but the attitude of General Reynolds, federal department commander, suggested that the only course open to Confederates was to surrender. This they began to do, and on May 27 General Reynolds reported satisfactory progress in the work of transferring surrendered soldiers to peaceful pursuits.[3] The local federal military authorities extended to the paroled

[1] *Washington Telegraph*, May 11, 1865.

[2] *Off. Records*, ser. i, vol. xlviii, pt. ii, pp. 628, 629, 630. Flanagin suggested that there should be no trouble in holding a convention if one was desired. He thought each governor might commission the clerks elected under the other government. The federal authorities refused to receive Garland as a commissioner; but he and others acting as private citizens succeeded in placing before Gen. J. J. Reynolds, Dept. Commander, a plan of adjustment. This included four steps: Flanagin to call his legislature together at Little Rock to repeal whatever rebel legislation Reynolds suggested; each governor recognize the county clerks commissioned by the other; that no military force be sent into South Ark., as it was not needed and would only retard the return of the people; and civil officers of the rebel state government report at Little Rock if desired. Reynolds answered these propositions seriatim. No legislature would be permitted, and if attempted the members would be arrested; no officer elected under secession government would be recognized, nor would they be subject to appointment unless pardoned by the President; in the third proposition he concurred in the feeling, but made no promise; and finally no steps would be taken to bring Flanagin to Little Rock.

[3] *Off. Records*, ser. i, vol. xlviii, pt. ii, p. 628.

soldiers every consideration consonant with safety to the public order. And yet while pursuing this lenient course the commander felt that certain of the Confederate leaders would try to subvert the Murphy state government. He expressed a fear that since there was neither state nor constitutional provision to keep ex-Confederates from voting they would have control of the state government in ninety days. As we shall see, however, the process of restoring peace was very nearly completed before the late Confederates began to recover control of the state in peaceful ways.

The surrender of the Confederates came at the end of the first year of the free state government. Interference from the enemy in arms and supervision by the United States military authorities made the attempt at civil government difficult and practically fruitless. However, there was considerable show of regularity, especially by the executive and the legislature. During this stormy twelve months the legislature held three sessions. The regular session from April 11th to June 2nd of 1864 was followed by an adjourned session from November 7th, 1864, to January 2nd, 1865. A special session, called for April 3rd, 1865, to consider the proposed Thirteenth Amendment, adjourned on April 22nd. The members of the legislature were elected at the election for ratifying the constitution, and the same irregularities attended their election as attended the vote on ratification; but this was overlooked in the hope of getting things started. "Some were elected by having several hundred votes; the majority received less than a hundred; and many had less than a score." Many of them were without legislative experience; quite a number could neither read nor write; but they seemed well-meaning, and since ability was not needed so much as honesty and firmness, a little ignorance was not considered bad.[1] It was well in the adjourned

[1] *National Democrat*, June 4, 1864.

session before a committee on credentials was appointed. For the first session the secretary of state simply furnished a list of those elected at the late election. It was not until the very last day of that session that the House of Representatives adopted a resolution calling on the "Secretary of State to furnish for the immediate consideration of this House the returns of the election held for members of this body on March 14th, 1864." [1] It was repeatedly charged, and the evidence supports the charge, that many of the members were fraudulently elected for the purpose of sending William Fishback to the United States Senate.[2]

The day following Murphy's inauguration the House of Representatives passed a resolution granting the use of its hall to all aspirants for the United States Senate who might wish to address the people on subjects pertaining to the Union cause.[3] The next day the Senate was invited to join the House on May 2nd for the purpose of electing United States senators.[4] On the twenty-ninth the House adopted a resolution that every candidate for the United States Senate be required to answer certain questions and subscribe to an oath.[5] When May 2nd arrived eight candidates had answered the questions and had taken the oath.[6] Of the fourteen candidates placed in nomination eight had neither answered the questions nor taken the oath.[7] The balloting showed the same disregard for the requirement.

[1] *House Journal*, p. 176.

[2] *National Democrat*, June 4th and 11th, 1864.

[3] *House Journal*, 1864, p. 30.

[4] *Ibid.*, p. 36.

[5] *Ibid.*, pp. 56-59 and *Senate Journal*, 1864, pp. 63-67.

[6] *House Journal*, p. 79. Speaker H. B. Allis, James Butler, S. D. Beloate, W. M. Matheney, Orville Jennings, Truman Warner, W. D. Snow and William Fishback.

[7] *Senate Journal*, p. 62.

Twenty-one ballots were taken, the fourth electing Elisha Baxter to fill out the unexpired term of C. B. Michell,[1] and the twenty-first electing Wililam Fishback to fill out the unexpired term of W. K. Sebastian.[2]

There was a small minority violently opposed to electing any but original and consistent Union men to office, either state or national, and their shafts were directed especially at Fishback. But Fishback and his confederates were now in the saddle and prepared to humble their opponents. Because of his refusal to sign Fishback's certificate, Speaker Allis was expelled from the House of Representatives.[3] A new speaker was elected; but eighteen days later, May 27th, a resolution was passed to the effect that "whereas, the speaker of this House is not present and his absence a fact," we therefore declare his seat vacant.[4] The third speaker succeeded in holding his place to the end of the session. In the Senate the Fishback clique was no less determined. When Dr. Meadors, the editor of the *National Democrat,* denounced their methods as outrageous, a resolution was introduced in the Senate to exclude him and his reporters from the Senate chamber.[5] It was clear that the demand that only original Union men be elected to the United States Senate and other offices would not be countenanced by the majority in control of the legislature.

[1] *Senate Journal,* p. 65.

[2] *Ibid.,* p. 87.

[3] *National Democrat,* May 2, 1864. Allis offered as his reason for not signing the certificate: (1) The action of the House in joint session was not legal because the speaker was not present and a speaker-protem had not been elected. (2) Fishback had voted for the secession ordinance. (3 Allis had promised his constituents that he would not vote for a secessionist.

[4] *House Journal,* p. 150.

[5] *National Democrat,* May 7, 1864 and June 4, 1864; *Senate Journal,* 1864, p. 93.

The governor was no party to the promotion of selfish interests, but deeply interested in getting the new government in motion. He favored just so much legislation as would be necessary to restore the state to its place in the Union. All that was needed, he thought, was to put the finances of the state on a sound basis and provide a militia for home protection.[1] And these were the questions to which the legislature gave the larger part of its consideration. Protection was the more urgent of the two and demanded the greater attention.

On the establishment of the provisional government in January, Capt. C. A. Henry[2] had been appointed Adjutant General of the state, but had accomplished nothing.[3] When Murphy was inaugurated under the constitution, F. M. Sams, Adjutant General of the First Arkansas Infantry, was commissioned Adjutant General of the state,[4] but in September of the same year he was succeeded by A. W. Bishop, who entered upon his duties November 15th.[5] A month later, however, when the federal authorities decided to evacuate Ft. Smith and its neighboring posts, Bishop was sent to Washington to oppose that step. When he had finished with that mission he remained in Washington until the close of the second session of the thirty-eighth Congress to cooperate with the senators and representatives-elect for securing recognition for the state.[6] By that time the war was practically over in Arkansas and there was little need for an adjutant general.

[1] *National Democrat*, Dec. 24, 1864.

[2] Assistant Quartermaster United States volunteers.

[3] *Report of Adjt. Gen. A. W. Bishop for the Late Rebellion and to 1866*, p. 4.

[4] Murphy's Executive Register, Bishop's commission, Jan. 14, 1865, MSS.

[5] Bishop's *Report*, p. 4.

[6] *Ibid.*, p. 269.

In lieu of action looking to the organization of the constitutional militia, the legislature undertook to provide a body of volunteers. On May 23rd, 1864, the first law on the subject was approved by the governor. It directed the governor to make known to President Lincoln "the helpless condition of the people of the State" and the existence of bands of marauders, bushwhackers, and guerrillas, to request of him that all Arkansas troops then in the service of the United States be stationed in the state "to hunt out the marauding bands of thieves and robbers now infesting the State." He was further directed to ask of the President authority to organize the "Arkansas Rangers," who were to serve in the districts of their residence, be officered by men commissioned by the governor, and armed and supplied at the expense of the United States. Composed of loyal and trustworthy men only, the "Rangers" were to hunt out and exterminate all lawless bands, assist in the enforcement of the civil laws of the state, and aid in the restoration of peace and quiet.[1] This modest request for the United States government to feed, clothe and arm a police force for the state did not satisfy the wiser heads. It failed to satisfy the demand for cheap food. It was, therefore, followed up with "an act to aid the civil authorities and prevent bushwhacking in the State." There was very little difference between these laws. The second authorized the governor to pledge the credit of the state to the President "for 1000 stand of arms and amunition" for arming a state militia. Each man enlisted under the act was to subscribe to a rigorous oath of loyalty and wear on his hat, or in some other conspicuous manner, as a mark of distinction and for the purpose of being recognized at a distance, "a band of red cloth, three inches in width." Any unqualified person who should don this emblem of virtue and badge of

[1] *Acts of Arkansas*, 1864-1865, no. 4.

loyalty was made subject to the penalty of death. To give point to the measure section eight directed the governor to request a supply of salt, hard bread and coffee for the militia when organized.[1]

These acts promised little but evil, and the authorities at Washington failed to respond.[2] Such a militia could have done nothing more than increase the lawlessness, rapine and murder already rampant in the state. When a petition from loyal persons asking protection by state troops was laid before the House of Representatives, the committee on militia of that body reported that in their judgment "his Excellency, Isaac Murphy, Governor of the State of Arkansas, should act discretionally in regard to calling out the militia of said state, he being authorized by law to do so."[3] Murphy, however, refused to assume any such responsibility and left the work to other agencies.

The next effort at organizing a miltia force was made under the supervision of United States army officers, who aided the movement as a benevolent enterprise well calculated to encourage the loyal people. This plan contemplated the organization of local companies, without expense to the state or the nation. Each company was to be partly military, partly political.[4] Their object was protection of loyal inhabitants and the cultivation of crops by the organization of colonies into which all the loyal people in a designated

[1] *Acts of Arkansas*, 1864-1865, no. 19.

[2] W. D. Snow, the agent selected by Gov. Murphy to negotiate with the President for authority, arms, and "hard bread," approached his problem with directness. He presented the matter to the President, who in turn presented it to Stanton. Snow urged the question on Stanton, who replied on Sept. 24th that it "had been decided by the proper authorities that it is not advisable to raise a militia force in states situated as Arkansas is." *House Journal*, 1864, p. 208.

[3] *House Journal*, 1864, p. 128.

[4] Bishop's *Report*, p. 5.

area were to be gathered. The movement developed first in the northwestern portion of the state, where colonies were started, block-houses built, and the loyally disposed farming people gathered, some members standing guard while others held the plough.[1] It was a scheme better suited to a semi-civilized people. Force and fraud were used to press the people into these places of refuge for the purpose of advancing the ambition of certain army men.[2] Perhaps in some cases these colonies prevented dissatisfaction over the failure of the federal government to cooperate with the state authorities, and in other cases they may have afforded occasional protection to their members; but it is quite probable that they engendered more bad feeling than would have sprung up without them.

During its first year the free state government made little progress with its finances. It was estimated that the expenses of government for one year would not exceed $100,000, provided no allowances were made for a militia, for relief, or other emergencies. The value of the taxable property of the state was estimated at $30,000,000;[3] but in view of the difficulties in reaching many forms of property, it was believed that a rate of at least one per cent would be necessary to yield the $100,000. Some advocated no taxes at all until 1864.[4] Governor Murphy proposed exempting the very poor from all taxes whatsoever for at least one year and his proposition gained some support; but conditions were so unsettled and the needs of the state so great that such exemptions were not provided. Moreover, the

[1] Bishop's *Report*, p. 5.

[2] *Official Records of the Rebellion*, ser. i, vol. xlviii, pt. ii, p. 268.

[3] *National Democrat*, May 7, 1864. *De Bow's Review*, Jan.-June, 1866, gives value of slaves in Arkansas in 1860 at $55,557,000, p. 211 and her whole property valued at $219,256,473, p. 318.

[4] *National Democrat*, May 7, 1864.

members of the legislature were in need of a little coin, and in their efforts to get it they tapped all tangible resources.

As a part of their revenue scheme they "instructed their senators and requested their representatives" to urge upon the United States Congress the creation of a commission to sit at Little Rock and such other places as might be proper to adjust the claims of loyal citizens against the national government for losses sustained at the hands of the Union army.[1] This same disposition to cash their loyalty was evident in their attempt to levy a tax on the rebel population for the avowed benefit of the needy loyal.[2] A wiser measure, and one calculated to restore in part the authority of the federal government, was an act to regulate the currency of the state. It provided that the currency of the United States should be the currency of the State of Arkansas and that any person refusing payment in such currency should be barred from recovery of the debt for ten years from the termination of the war. This was intended to get United States currency into circulation and at the same time bring rebel creditors into line.

An act passed on May 28th, 1864, forbade the collection of taxes on real estate except that belonging to persons in arms against the United States or the State of Arkansas, or who had voluntarily aided the rebellion, or who had not taken the oath prescribed in the President's proclamation of December 8th, 1863, or who having taken that oath had since violated it. Collectors of revenue were directed to collect the revenues of 1861, 1862, and 1863 on the basis of assessment for the year 1860.[3] These were only preliminary measures; but the general revenue act followed

[1] *Acts of Arkansas*, 1864-1865.

[2] *Ibid.*, May 31, 1864.

[3] *Ibid.*, 1864-1865.

immediately.[1] It suspended all corporate powers of cities and towns until January 1st, 1865, and thereafter until the citizens might elect their officers. All powers of this class were conferred on the counties, which were empowered to collect taxes equal to the state tax. Sheriffs and collectors were authorized to collect county taxes monthly and make payments quarterly. The rate was one per cent a year on assessed values. Capital, money, merchandise, shows, and luxuries were to bear the bulk of the burden.[2] But these acts proved useless, for but a small amount of taxes of any kind was collected for the year 1864, it being "considered proper and right under all the circumstances, that no taxes be collected for that year."[3] If tax collectors were generally appointed for 1864, the failure of Steele's campaign and the consequent increased activities of the Confederates made it practically impossible for them to perform their functions. It appears that only $257.97 in currency and $2565.80 in auditor's warrants was collected for that period, and that seems to have been collected near military posts.[4]

During the adjourned session of the legislature the question of revenue was attacked with more vigor. The acts

[1] Approved May 31, 1864.

[2] Property subject to taxation under the act of May 31, 1864. Household and kitchen furniture over $400; all goods, wares and merchandise; all money loaned at interest beyond what its possessor paid in interest; all capital invested in toll bridges, steamboat ferries, and the importing and selling of produce; a state tax on pleasure carriages, tan yards, distilleries, manufactories, gold watches, jewelry of all kinds, and all money on hand not otherwise taxed; all incomes of over $600, provided the source was not otherwise taxed; a state tax equal to the county tax on all shows, tavern keepers, grocery keepers, peddlers, auctioneers, billiard tables, bowling alleys, saloons, ten pin alleys, restaurants, circuses, theaters, and wax-figure shows.

[3] *Auditor's Report for 1864-1865 to April, 1866*, p. 5.

[4] *House Journal*, p. 252.

of the previous session, including the currency act, were repealed and the revenue acts of the state prior to the war were reenacted with slight modifications. The rate was now fixed at one per cent for the state, and one half of one per cent for the county. Land was to be assessed at its value instead of at the flat rate of $3.00 per acre. The governor was empowered to direct the collection of taxes at other places, when during the rebellion he should decide that they could not be collected at the county seat.

For the purpose of providing additional means for collecting the revenue of the state a joint committee of one from each house was created with jurisdiction over all sheriffs, collectors, and assessors. This committee, which in the case of the death of one member was to consist of the sole surviving member, had the power to appoint revenue officers, whenever the people should fail to elect, or whenever such an officer elected by the people should fail to qualify. Appointees of the committee were to serve during the will of the committee. These guardians of the loyal people's money were to receive as compensation for their services six per cent of all moneys collected under their supervision.[1] This audacious act naturally created suspicion; and though its title made it only supplementary to the revenue laws, the Senate declared by resolution that the appointees of the committee should never "do or perform ministerial or executive acts belonging to the office of sheriff."[2] The governor on incontrovertible grounds promptly vetoed the bill as in contravention of the constitution, but the bill was passed over the veto.[3]

The cleverest revenue device evolved by this body was

[1] *Acts of Arkansas*, 1864-1865, approved Dec. 29, 1864.

[2] *Senate Journal*, 1864-1865, p. 285.

[3] *Senate Journal*, 1864-1865, p. 285.

embodied in a loan bill, which authorized the raising of $300,000, $150,000 each for the years 1865 and 1866, by the sale of fifteen year 8 per cent bonds, interest and principal payable in coin, redeemable at the pleasure of the state after five years. The treasurer of the state was authorized to dispose of such bonds at times and places of his choice and on such terms as he should deem advisable for lawful money of the United States or such other lawful medium as would enable him to meet the obligations of the state. The bonds were exempted from taxation by state or municipality and all the revenues of the state were pledged to the payment of interest.[1] This bill was so evidently intended to supply the immediate needs of its supporters, that the governor interposed a veto.[2] But since the friends of the measure had already arranged to realize on the bonds,[3] the bill was passed over the veto.[4] The whole affair disgusted the honest people who were interested only in the establishment of a sound state government.[5] Before anything was accomplished under the act, the war closed and the Conservatives began to return to power.

As a part of their general legislative program they amended the revenue laws so as to provide a per diem of five dollars and mileage at twenty cents each way for members of the constitutional convention of 1864. Opponents of this measure denounced it as a scheme to open the state treasury to a few grafters who had been in that body.[6] It

[1] *Acts of Arkansas*, 1864-1865, Dec. 24th.

[2] *Senate Journal*, 1864-1865, p. 287.

[3] *Ibid.*, pp. 165-166.

[4] *Ibid.*, p. 290; *House Journal*, p. 261.

[5] *National Democrat*, Dec. 20, 1864.

[6] *House Journal*, p. 103. As amended the law provided "that upon proof of service; or the filing of a certificate of service on the part of any person as a delegate, or acting as an officer of the convention of the

was declared both unjust and inexpedient thus to tax the impoverished people of 1864 in order to compensate at full rate every delegate in that convention, when in fact a majority of them at the time of such service were members of military companies at or near Little Rock or were mere refugees within the federal lines. But opposition to the bill availed nothing, for this piece of loyal legislation the governor did not veto. He doubtless saw the iniquity of it, but to question the regularity of that convention or the claims of the delegates who sat in it was equivalent to questioning the validity of his own tenure, and for that reason he signed the bill.[1]

In order to make secure the loyalty of the new government, an act was passed for the regulation of elections.[2] It provided that all elections be held by ballot and according to existing laws; but required that each elector before voting should take an oath that he would support the constitution of the United States and that of the State of Arkansas; that he had not voluntarily borne arms against the United States or the State of Arkansas, and that he had not aided directly or indirectly the so-called Confederacy since April 18th, 1864.[3]

In the field of minor legislation they could accomplish very little. On the recommendation of the House Committee on Education that such a step was impracticable under existing conditions they "refrained" from legislation looking to a new system of education.[4] The law of 1861, estab-

people of the State of Arkansas for the formation of a new constitution and other purposes, held at the capital, Jan. 4, 1864, be and the same hereby are entitled to the same per diem and mileage as members of the General Assembly of this State."

[1] *House Journal*, 1864-1865, pp. 103, 177.

[2] *Acts of Arkansas*, 1864-1865, no. 17.

[3] The date on which Murphy was inaugurated.

[4] *House Journal*, p. 51.

lishing schools was repealed. Laws were enacted for the collection of the school and improvement funds, for punishing perjury, and for defining the mode of punishing guerrillas, bushwhackers and jayhawkers. A stay law, suspending the collection of all debts contracted prior to January 1st, 1864, except the debts of persons who had not taken the oath of allegiance, or having taken it had since violated it, was enacted with relish.[1] Its primary object was the relief of the loyal debtor against the rebel creditor. These same loyal citizens were to be further protected by a law requiring each insurance company soliciting business in the state to deposit with the treasurer the sum of twenty thousand dollars in state bonds as a guarantee of the policy holders against loss. The iniquity of this measure was its dependence on state bonds as security.[2] It appeared to be a scheme for selling state bonds rather than for protecting the holders of insurance policies.

The special session of the legislature called for April 3rd, 1865, for the purpose of considering the proposed thirteenth amendment to the constitution of the United States[3] never had a quorum,[4] but proceedings were had, nevertheless. The members who attended were perhaps honest individuals but not choice material for passing on the proposed amendment.[5] On April 12th the governor communicated to the two houses the proposed amendment, together with his un-

[1] *Acts of Arkansas*, 1864-1865, no. 14.

[2] In consideration of this additional guarantee the company might charge an additional 2% on the total premium of each policy. When the bonds of the state sank to 15% the citizens had but little protection for the additional cost of his insurance.

[3] *National Democrat*, March 4, 1865.

[4] *House Journal*, pp. 10, 11, 16.

[5] *National Democrat*, April 15, 1865.

qualified endorsement.[1] The day following it was ratified by joint resolution, in the Senate by 17 to 0, in the House by 54 to 0.[2]

As there was legally no further business before the body they should have adjourned; but contrary to this plain duty they remained in session until the 22nd. These six days were used by the dominant faction in trying to present the state in such a light as to warrant its readmission to the Union.[3] One of their last acts was to adopt a lengthy report from the House Committee on Federal Relations lamenting the fact that neither house of Congress had recognized the state government, and expressing great hope of recognition in the near future. They claimed, in fact, rather strong assurances from those best qualified to know that Arkansas would be recognized "at an early day at the next session of Congress."[4]

The inauguration of county government was more difficult than that of the state. Many of the county seats were not within the federal lines, and local antagonisms were very strong. Elections for all county officers were held at the regular election in March, 1864. In some instances preparatory to these elections public meetings were held, resolutions passed, nominations made,[5] and the conduct of the elections arranged for.[6] The forms of elections were gone

[1] *House Journal*, p. 13. He said: "The ratification of this amendment by three-fourths of the states will be the great event of the age, and will result in the restoration of peace and harmony among the states. Those whose names are connected with its adoption will obtain a high place in the history of political and moral progress."

[2] *Senate Journal*, pp. 16, 20, 38.

[3] *National Democrat*, April 15, 1865.

[4] *House Journal*, 1865, p. 44.

[5] *An. Cyc.*, 1864, p. 229.

[6] *Unconditional Union*, March 4 and 11.

through, and during the year 1864, commissions were issued to a full corps of officials in twenty-four counties.[1] The records show that many counties had no officers whatever for the whole of 1864 and for part of 1865.[2] In some cases special elections were ordered by the governor,[3] in others commissions were issued to men recommended by mass meetings of citizens,[4] and in exceptional cases the governor appointed officers on his own responsibility.[5]

After the collapse of the Confederacy the organization of county governments and the inauguration of the courts went on more rapidly. On May 10th, 1865, Governor Murphy issued an address to the people urging upon them the wisdom of organizing local government.[6] As county organization progressed, county and district officers were commissioned.[7] The governor brought pressure to bear on good men to accept office, and often refused to accept the resignation of officers of known loyalty and ability.[8]

Immediately after the cessation of hostilities the ex-Confederate population ignored the efforts of the Murphy government to establish local government and advised cooperation by all classes " in the restoration of such a system of government as will best promote the public good and meet

[1] Murphy's Ex. Register—Conway, Dallas, Pulaski, Independence, Montgomery, Franklin, Yell, Van Buren, Prairie, Perry, Scott, Crawford, Newton, Jefferson, Phillips, Saline, Calhoun, Washington, Sebastian, Clark, Arkansas, Johnson, Desha.

[2] *Report of Sec. of State*, 1882, pp. 91 *et seq.*

[3] Murphy's Ex. Register.

[4] *Western Clarion*, July 8, 1865.

[5] *Van Buren Press*, Feb. 24, 1865; *Washington Telegraph*, June 23, 1865.

[6] *House Journal*, 1866-1867, pp. 28 *et seq.*

[7] Murphy's Executive Register in MSS. not paged. Between April 2nd and Sept. 30th, the governor issued writs of election for judges, or attorneys or both in four circuits.

[8] *Unconditional Union*, Aug. 3, 1865.

the change in our relations."[1] Governor Harris Flanagin advised that the people in each neighborhood organize for protection.[2] He thought there would soon appear a willingness to organize county government, if public men who held the confidence of the people would come forward and help.[3] In July there was thought to be "a growing sentiment in favor of adopting" the Murphy regime,[4] and John R. Eakin urged the people to support it, to exercise the right to vote, and, if they were rebuffed, to go quietly on. The government was clearly gaining ground, however slow its progress. The military authorities were giving every assistance consonant with strict non interference with civil affairs,[5] and its course was becoming acceptable to the late Confederates.[6]

The organization of county government was followed soon by an effort of citizens to reorganize their city or town governments. The first legislature had suspended all corporate powers of cities and towns until January 1st, 1865, and till such time thereafter as the citizens might elect their corporate officers.[7] All corporate matters, except police powers, reverted to the county. The military assumed police powers in the larger towns, and pursued a wise policy. They instituted strict garbage regulations in Little Rock and made owners of premises responsible for compliance.[8] Animals, including dogs, were not allowed to run at large, and dogs running at large were to be shot and their owners

[1] *Washington Telegraph*, May 24, 1865.

[2] *Ibid.*, May 24, 1865.

[3] *Ibid.*, June 21st, 1865.

[4] *Ibid.*, July 26, 1865.

[5] *Off. Rec.*, ser. i, vol. xlviii, pt. ii, p. 794; *H. Reports*, 39th Cong., 1st Sess., pt. iii, no. 30.

[6] *Washington Telegraph*, June 7, 1865.

[7] *Acts of Arkansas*, 1864-1865, no. 10, sec. vi, approved May 31, 1864.

[8] *Arkansas Gazette*, May 27, 1865.

charged with the expense of burying them. For upkeeping of streets the provost marshal was ordered to collect a highway tax of two days labor or $6 in money from each male citizen between the ages of eighteen and fifty years, actual government employees excepted.[1] Post commanders often took interest in protecting the social life of the cities. On July 7th, 1865, Colonel Charles Bentzonie at Helena issued a circular ordering all persons guilty of using vulgar or obscene language in public to be arrested and tried: and, if convicted, imprisoned, fined, or sent from the post. He ordered children in the streets "so poorly clad as to show their nakedness" to be brought to the office of provost marshal and their parents or guardians held responsible.[2] Even the speed limit in Little Rock was fixed "at riding in a canter or driving in a trot," except for orderlies bearing messages, in which case their rate of speed should be specified in the message.[3]

The people were soon trying to organize their municipal government by electing officers. At a mass meeting in Little Rock it was voted unanimously that the affairs of the city be turned over to the mayor and councilmen under the Confederate regime. In reply to the action of the mass meeting General Reynolds declared that he would not turn affairs over to that body of men, but promised that if an election were held according to the state law he would cheerfully surrender authority to those elected and installed.[4] Thereupon the citizens met and selected commissioners to conduct an election,[5] and the governor ordered the election

[1] *National Democrat*, Feb. 9, 1865.

[2] *Western Clarion*, July 7, 1865.

[3] *Arkansas Gazette*, Oct. 12, 1865.

[4] *Unconditional Union*, Oct. 19, 1865.

[5] Commissioners were David R. Tomb, F. A. Sarasin and J. A. Hutchins.

for October 16th. But when the election started the commissioners disregarded the oath required of electors, and the military notified them that the election would not be regarded as valid and the voting ceased.[1] No further progress was made toward reorganization in Little Rock until after the state supreme court at its December term of 1865 decided in Rison et al *v.* Farr that the state law requiring an oath of electors was unconstitutional.[2] After that decision the ex-Confederates, who now began styling themselves Conservatives, took the initiative in establishing municipal governments.[3] When this element came into power in 1866 the legislature amended the charter of practically every incorporated place in the state,[4] but conditions were such during the latter part of 1866 and to March 1867 that little could be accomplished by municipalities. There was a general feeling that rigid economy should prevail, and that retarded improvements. Progress in municipal organization was delayed till a more convenient season.

As provided in the constitution,[5] the judges of the supreme and circuit courts were elected on March 14th, 1864. However slight the immediate need for civil courts, the legislature exerted itself to get them started. On May 23rd, 1864, a law was enacted authorizing county courts to sit at any place they might consider safe for the court and the records, and directing county clerks to follow the courts.[6]

[1] *Unconditional Union*, Oct. 12 and 19, 1865.

[2] *Arkansas Reports*, L. E. Barber, vols. xxiv-xxv. The court held that while the legislature could extend the right of suffrage, it could not restrict it beyond what was required in the constitution.

[3] *Van Buren Press*, Feb. 3, 1866; Arkansas MSS.

[4] Arkadelphia, Augusta, Ft. Smith, Little Rock, Pine Bluff.

[5] Poore, *Constitutions of the United States*, vol. i, pp. 111, 129. These officers were not chosen by popular election under the constitution of 1836 or under the revision of 1861.

[6] *Acts of Arkansas*, 1864-1865, no. 5.

Another law, passed over the governor's veto, authorized the newly elected supreme court judges to hold a special session.[1] Still another act provided for a special term of the county and probate court of Pulaski County. With this apparent anxiety on the part of the legislature to get the courts in operation, the governor had little sympathy. But one circuit judge was commissioned during 1864,[2] and he seems to have held no term of his court before September of the following year.[3] It was generally expected that the whole judicial system would be in operation by September, 1864,[4] but a whole year elapsed before that was accomplished. Courts could not be installed and protected in the exercise of their functions until county government had been perfected.

While there may have been a few cases of courts in session before September, 1865,[5] the best evidence seems to show that during September, October, and November of that year courts were held everywhere for the first time.[6] Of the fourteen judges and prosecuting attorneys commissioned in 1865 only two were elected in 1864.[7] Just what had become of the other judges-elect is not clear. Those commissioned had been elected at special elections under the operation of the election law of 1864, and of course were loyal. The restorers had every reason to expect their system to continue in its full vigor until the state should re-

[1] *House Journal*, 1864-1865, pp. 177-178. The governor vetoed the bill as unnecessary, extravagant and dangerous to the liberties of the people.

[2] *Report of Sec. of State of Arkansas*, 1882, p. 204. Liberty Bartlett of fifth circuit, commissioner, Nov. 12, 1864.

[3] *Ark. Reports*, L. E. Barber, vols. xxii-xxv.

[4] *N. Y. Herald*, Aug. 3, 1864.

[5] McCarthy, *Lincoln's Plan of Reconstruction*, p. 410.

[6] C. A. Harper, *H. Reports*, 39th Cong., 1st Sess., pt. iii, no. 30; *Unconditional Union*, Nov. 23, 1865; *An. Cyc.*, 1865, pp. 27-28.

[7] Murphy's Ex. Reg.

turn to its old place in the Union. But dangers began to appear before the end of 1865, for before the free state government was well established its own loyal supreme court in the case of Rison et al *v.* Farr had knocked the props from under the whole fabric and laid it open to the Conservatives or Democrats.[1]

Though the constitution fixed the term of supreme court justices at eight, and that of circuit judges at four, years, it was but a short time before the whole judicial force was largely changed. Of the nine circuit judges five served until the inauguration of the state government under the constitution of 1868.[2] One district was favored with three judges in as many years.[3] But when it is remembered that many of these judges were of inferior ability and without training in the law, no wonder is raised at the poor showing of the judiciary.[4] The condition of judicial affairs was not such as to make a weak judge's course easy.

When the circuit judges came to their dockets the question as to the validity of acts done under the Confederate state government presented itself. The constitutional convention had declared such acts, with a few important exceptions, to be null and void.[5] The legislature added to the

[1] *H. Reports*, 39th Cong., 1st Sess., no. 30, Justice C. A. Harper fully concurred in the decision of the court. Rept. Sec. of State, 1882, pp. 202-204. This was the only case on which the supreme court elected on March 14, 1864, ever ruled.

[2] These were Hanks, Harrison, Mock, Bartlett and Powell.

[3] Sixth District: A. B. Williams, Jan., 1865–Oct., 1865; J. T. Elliot, Oct., 1865–Sept., 1866; J. T. Bearden, Sept., 1866–July 23, 1868.

[4] *Van Buren Press*, June 16, 1866; *Washington Telegraph*, Oct. 18, 1865.

[5] Poore, *Constitutions of the United States*, vol. i, p. 120. The ordinance declared: "That all the action of the State of Arkansas, under the authority of said convention, of its ordinances, or of its constitution, whether legislative, executive, judicial, or military (except as hereinafter) was, and is hereby declared null and void; provided: that this ordinance shall not be so construed as to affect the rights of individuals,

difficulty of the courts when it enacted a stay law, and forever barred rebels, rebel prisoners, rebel refugees, and those thereafter aiding or abetting rebellion or violating the oath of allegiance from the collection of debts in the state. This arrayed the debtor class, composed largely of loyal people, against the creditor class, composed largely of those who had been identified with secession and the Confederacy. The question on which this point was first raised was that of the validity of land sales by the state's agents between the date of secession and that on which the new constitution was ratified. On assembling in November, 1866, the legislature took up the question and referred it in each house to the judiciary committee. In each house the committee made a majority and minority report. The report of the majority held that the constitutional convention had declared all acts, with specified exceptions, done under authority of the Confederate government null and void, *ab initio,* and that the exception as to " the rights of individuals " was so vague that the sale of land could not come under it. The minority made a more elaborate report, holding that the constitution of 1864 was valid; that the conventions of 1861 and 1864 were both regular and equal in authority; and that the convention of 1864 had no authority to declare null and void the acts of the state done in another sovereign convention in its exercise of internal regulations and the police powers. The only acts then, continued the minority, which the convention could make null and void were those in con-

or change county boundaries or county seats, or make invalid the acts of justices of the peace, or other officers in their authority to administer oaths, or take and certify the acknowledgement of deeds of conveyance or other instrumental writings, or in the solemnization of marriages; and provided further, that no debt or liability of the State of Arkansas incurred by the action of said convention, or of the legislature or any department of government under the authority of either, shall ever be recognized as obligatory."

travention of the constitution, laws, or treaties of the United States.[1] On December 8th, the Senate adopted the minority report by 16 to 6.[2] In the House the committee reported on November 17th that they were of the opinion "that the matters stated therein are peculiarly within the province of the courts, and till some determination of the question may be made by the supreme court of the state no legislative action would be advisable."[3]

The question was soon settled in conformity with the minority report of the House Judiciary Committee. The supreme court at its December term, 1866, settled the question in the cause of Hawkins *v.* Filkins. In the opinion on that case Chief-justice Walker held that the state government, except in its allegiance to the United States, was not affected by the ordinance of secession and "that the ordinance of the convention of 1864 made void the action of the convention of 1861 only so far as the same" was in conflict with the constitution and laws of the United States.[4]

The question of civil rights was not so complicated after the supreme court had rendered the two decisions above mentioned. The civil rights of whites were left undisturbed by the war, but the civil status of the negro was to be determined *de novo*. The constitution of 1864 and the first legislature held under it failed to give the negro a positive legal status in civil rights.[5] Then, what were his civil rights?

[1] *An. Cyc.*, 1866.

[2] *Senate Journal*, 1866-1867, p. 231.

[3] *House Journal*, 1866-1867, p. 104.

[4] *Ark. Report*, L. E. Barber, vols. xxiv-xxv. The whole supreme bench had resigned before the middle of 1866; and on the first Monday in August of that year, the Democrats, voting under the decision in the case of Rison, et al. *v.* Farr, elected David Walker, F. W. Compton and J. J. Clendenin, all good ante bellum justices.

[5] Poore, *Constitutions of the U. S.*, vol. i, p. 126, art. v of the Constitution; *Van Buren Press*, June 7, 1867.

Before the war the free negro had no unqualified civil rights, except perhaps that of life.[1] Had the war and the abolition of slavery raised the free negroes and the freedmen to the same civil status with the whites? It was supposed by some that negroes "could make contracts, sue and be sued, acquire and dispose of property, real and personal, the same as whites."[2] Judge C. A. Harper of the state supreme court testified before the subcommittee of the Reconstruction Committee that he "had not as a lawyer examined the question fully, only on the question of holding real estate," but on that point he had advised a negro client that he might purchase real estate in Little Rock with all safety, and on examination of the matter had no doubt of the correctness of his views.[3] Brig. Gen. J. S. Brisbin testified that many negroes had made from $700 to $1,500 during 1865 and would acquire property "as soon as the laws of the state are changed so as to allow it."[4] One of the United States Senators-elect held that negroes were not discriminated against except as to suffrage.[5] It was claimed to have been the purpose of the convention of 1864 to clothe the negro with all the rights of the white man, except those of voting and bearing arms.[6] A Congressman-elect claimed that the negro was entitled to all the "absolute rights of the

[1] See Judge Trieber's article in the Pub. of the *Ark. Hist. Assn.*, vol. iii, pp. 175-183; *House Reports*, 39th Cong., 1st Sess., pt. iii, no. 30, Feb. 2, 1866. William Byers testified before the subcommittee on Reconstruction that "before the rebellion free negroes could sue and be sued, acquire and dispose of property, real and personal, though there was no positive statute guaranteeing them that right."

[2] *H. Reports*, 39th Cong., 1st Sess., pt. iii, no. 30, William Byers, February 2, 1866.

[3] *Ibid.*, 39th Cong., 1st Sess., pt. iii, no. 30.

[4] *Ibid.*, p. 71.

[5] *Ibid.*, W. D. Snow.

[6] *Ibid.*, C. A. Harper.

citizens; namely, personal security, personal liberty, private property, and the necessary legislation to secure him the full and perfect enjoyment of them." [1] S. R. Harrington, well qualified by service, residence, and interests in the state to speak on the subject, stated that there was great difference of opinion in Arkansas as to the legal status of the negro, while General Sherman was of the opinion that negroes in Arkansas were protected in all their rights and property by the civil authorities.[2]

In the general election of August, 1866, the Democrats gained control of the legislature.[3] It met on November 5th, and four days later the House of Representatives instructed its judiciary committee "to inquire into what, if any, legislation is necessary to secure to persons of African descent the full and perfect enjoyment of their natural and inherent rights, with leave to report by bill or otherwise." [4] On December 6th the committee made a unanimous report that they were "fully agreed as to the necessity of extending to the former slave population additional rights and privileges, adapted to their changed conditions." [5] They would extend to the negro all the rights of the "most favored citizen of the white race with some exceptions, considered essential to the safety of society, and rendered necessary by the past relations of the races." [6] Though the committee refrained

[1] *H. Reports*, 39th Cong., 1st Sess., pt. iii, no. 30, p. 55, Gayle H. Kyle.

[2] *Sen. Ex. Documents*, 39th Cong., 1st Sess., no. 20, W. T. Sherman, St. Louis, Mo., December 22, 1865.

[3] *An. Cyc.*, 1866, p. 28.

[4] *House Journal*, 1866-1867, p. 70.

[5] *Ibid.*, p. 199. Composed of Jno. R. Eakin, R. C. Newton, H. F. Thomason, W. W. Reynolds, Reed Fletcher, L. C. Gause, F. J. Cameron, Met. L. Jones of Calhoun, J. L. Brooks, W. T. Jones and S. P. Hughes.

[6] *House Journal*, 1866-1867, p. 200. The exceptions were: (1) that the negroes not be admitted to intermarry with persons of the white race; (2) nor sit on juries; (3) nor vote at elections; (4) nor mingle indiscriminately with white children in the public schools.

from reporting a bill, the law as finally enacted entitled "an act to declare the rights of persons of African descent, approved Feb. 6th, 1867," followed exactly the report.[1]

This act became operative almost two years after the collapse of the Confederate state government and more than three years after the inauguration of the free state government. During this period the free negroes and freedmen enjoyed just such civil rights as the Freedmen's Bureau secured to them or such as the ruling whites in each community willingly bestowed upon them. Before the courts could apply the new law the United States military authorities and the Bureau agents were taking an active hand in the matter of civil rights for the negroes. That question will be followed at greater length in our study of the Freedmen's Bureau.

The economic situation, serious when Murphy began his administration, grew worse as the war continued. The failure of Steele's campaign in 1864 left him unable to protect the loyal people, and gave the Confederates an opportunity to spread confusion through large portions of the state. The lessee system enabled constractors to cultivate some of the best lands along the Mississippi and the Arkansas Rivers, but even there constant raids made cultivation, except in the remote districts, quite precarious.[2] The result of these raids and counter raids was to reduce the crop of 1864 to a nullity in many of the most populous sections and throw the people on charity till the crop of 1865 was gathered.

With the surrender of the Confederate forces, both the civil and the military officers took steps to encourage the making of a crop for 1865. Seeds were furnished those who would go to work vigorously to raise crops, and the

[1] *Acts of Arkansas*, 1866-1867, pp. 98-100.

[2] *Daily News*, August 10, 1864.

people were urged to take possession of unoccupied lands in every community in order to save the state from desolation and want.[1] On surrendering, the Confederate soldiers were permitted to keep some of the Confederate property, as well as their own guns and horses. Seed corn was issued to refugees who returned to their homes.[2] Leading ex-Confederates urged the farmers as a patriotic duty to remain at home as long as possible, keep all their stock and increase the number, plant all sorts of vegetables, and provide for the coming winter.[3] But with farm stock scare and poorly fed, implements out of repair, labor disorganized, money lacking, and a late start with the crop, there was small chance for a full yield in 1865.[4]

There was great show of activity in relieving the destitute. The Freedmen's Bureau relieved the negroes and refugees who happened to be in reach of their stations, issuing in the month of May, 1865, 75,097 rations to refugees and 46,845 to freedmen.[5] In large sections of the best agricultural lands no rations were at first issued in aid of making a crop, but by June it was clear that some would have to be issued for the summer.[6] As the summer advanced one commanding officer announced that he had not increased the number of rations issued.[7] In some portions of the state which had suffered least from the presence of the contending armies there was reported " no actual want of necessities, though there was a greater demand for goods than there was money to buy with." [8] Good grazing, plentiful good water,

[1] *National Democrat*, February 15, 1865.
[2] *Off. Rec.*, ser. i, vol. xlviii, pt. ii, p. 628.
[3] *Washington Telegraph*, February 15, 1865.
[4] *Washington Telegraph*, July 22, 1865.
[5] *An. Cyc.*, 1865, pp. 28-29.
[6] *Off. Rec.*, ser. i, vol. xlviii, pt. ii, p. 919.
[7] *Washington Telegraph*, Sept. 6, 1865.
[8] *Off. Rec. of Rebellion*, ser. i, vol. xlviii, pt. ii, p. 980.

and abundant wild game played no small part in tiding the people over this distressing year. Destitution was so keen at times that even the poverty stricken ex-Confederates entered into the work of relieving the distressed people of the northwestern counties.[1] But in spite of all the efforts at relief, by December, 1865, two-thirds of the counties were in destitute circumstances without prospect of relief before the next harvest.[2] To add to the horrors of the situation the winter of 1865-1866 was unusually severe.[3]

Immediately after the cessation of hostilities business began to revive. Sound money, which disappeared during the war, began to reappear during the late months of 1865.[4] Banking facilities were very limited and practically unknown to the great mass of the people. In 1864 there were but three small banking establishments in the state, and but one was added in 1865.[5] But early in 1866 two national banks with an aggregate capital of $150,000 were established, one with $50,000 capital at Ft. Smith and one with $100,000 at Little Rock.[6] No further banking facilities were provided until May, 1867, when Hersfield and Company started a private establishment at Helena,[7] and the Memphis Savings Bank opened a branch at the same place.[8] Money for the most part came through partnerships in business and planting formed by southern merchants and planters with north-

[1] *Washington Telegraph*, March 22, 1865.

[2] *An. Cyc.*, 1865, pp. 28-29.

[3] Contemporary testimony.

[4] *Commercial and Financial Chronicle*, vol. ii, p. 68.

[5] *Bankers Magazine*, July–Dec., 1864-1865, pp. 501, 585. McDonald and Fuller, Ft. Smith; L. J. Barnes, Little Rock; R. L. Dodge, Little Rock.

[6] *Bankers Magazine*, 1865, pp. 747, 906.

[7] *Financial and Commercial Chronicle*, p. 874.

[8] *Bankers Magazine*, 1867-1868, p. 185.

ern capitalists.[1] This movement developed to such proportion as to alarm some of the simon pure loyalists, who expressed fear that loyal men and means would lower thereby "their dignity and self respect." "It is a mistaken notion," said one editor, "that a law or business firm must have a rebel and Union representative."[2] New comers from the North brought in more or less cash, which was thrown into immediate circulation through the purchase of lands and initial supplies.[3]

The population, which in 1860 was 435,450,[4] had greatly decreased.[5] It was estimated that in some places the voting population was reduced by one third or one half,[6] and that one half of the negroes had died or had left the state.[7] While these were perhaps exaggerations, there can be no doubt that the population was perceptibly reduced. The situation was not exaggerated by the editor who wrote: "It was not alone that homes had been burned, farms desolated the implements of industry broken or lost, the only hope of the state—labor—emancipated from its chains was looking with wild joy upon its liberty and refusing to see the obligations of freedom or the needs of state."[8] In addition, there had been a reduction in the actual labor force. Moreover, many believed that the negro as a free man would not meet the demands of the situation, and a call for white

[1] *H. Reports*, 39th Cong., 1st Sess., no. 30, Maj. J. W. Smith's testimony.

[2] *Unconditional Union*, October 19, 1865.

[3] *Van Buren Press*, March 24, 1866. Conversations.

[4] *De Bow's Review*, Jan.–June, 1866, p. 553, quoting census of 1860; 324,191 whites, 111,115 slaves and 144 free negroes.

[5] *Unconditional Union*, February 12, 1864.

[6] *Ibid.*, June 7, 1864; *H. Reports*, 39th Cong., 1st Sess., pt. iii, no. 30; *Off. Rec.*, ser. i, vol. xlviii, pt. iii, p. 932.

[7] *H. Reports*, 39th Cong., 1st Sess., pt. iii, no. 30, Henry's testimony.

[8] *Daily Republican*, April 15, 1867.

labor sprang up.[1] All classes turned with favor to the prospect of immigration.

With the object of promoting white immigration from the North the Arkansas Immigration Aid Society was organized, September 30th, 1865,[2] by the election of a president, ten vice presidents, a corresponding secretary, a recording secretary, an attorney, a treasurer, a committee on ways and means, and three bureaus.[3] It was intended to place the natural resources, especially the fertile river lands and healthful climate, before the people in other states in such a light as to attract a heavy inflow of white people.[4] This non-partisan organization accepted the free negro labor situation as a fact and hoped merely to supplement it by immigration.[5] When it was learned that bi-monthly meetings of a few office holders would not attract people to the state, a committee was appointed to prepare a booklet setting forth the advantages offered by Arkansas to immigrants.[6] When but few immigrants came, it was suggested that the boards of trade in cities and towns send agents to New York City to bring immigrants to the state, but very little came of the suggestion. As late as May, 1867, a partisan charged that no immigrants had come.[7] The negroes continued to constitute the greater part of the laboring class.

[1] *Washington Telegraph*, September 20, 1865.

[2] *De Bow's Review*, Jan.–June, 1866, p. 329, states that only five foreigners came to Arkansas between January 1st and October 31st, 1865.

[3] *Unconditional Union*, Oct. 19, 1865; *H. Reports*, 39th Cong., 1st Sess., pt. iii, no. 30, pp. 95-97.

[4] Ft. Smith *New Era*, quoted in *Uncond. Union*, August 31, 1865.

[5] *Van Buren Press*, February 17, 1866; *Washington Telegraph*, Sept. 20, 1865.

[6] *Van Buren Press*, June 9, 1866; *De Bow's Review*, July–Dec., 1866, pp. 402 *et seq.*

[7] *Daily Republican*, May 17, 1867.

On the cessation of hostilities about the only merchandising was carried on by sutler's stores. These establishments were few, the needs of the people urgent, and prices enormous. Every sutler was a monopolist and the only difficulty before him was the inability of the people to pay. Cotton, the chief marketable commodity of the people, was subject to confiscation; and cotton gatherers, under William Fishback, now agent of the United States treasury department, were busy gathering up Confederate cotton. The people could not understand how a loan to the Confederacy could be construed into the selling of cotton to the Confederate authorities, unless the cotton had been actually delivered; but Fishback ruled that it "was sufficient that the said cotton should have been set apart or designated or in any way designed" to be devoted to hostility to the United States to warrant seizure. Parties who had subscribed were to be held by both civil and military authorities to a strict accountability for the several amounts subscribed. A month later the agent called for and received the assistance of the military in carrying out this ruling.[1] Along with cotton seizures went the sale of property for the nonpayment of the direct tax.[2] There is little evidence that these seizures and sales created any great disturbance of business; but the danger of confiscation disturbed the wealthier individuals who had supported the Confederacy and greatly impaired their credit.[3] The restrictions on trade were removed by orders issued on June 12th, 1865, and announced in Arkansas by General J. J. Reynolds on June 19th.[4] Thenceforth a more rapid revival of trade went on.

[1] *Washington Telegraph*, August 9, 1865.

[2] *Unconditional Union*, May 11, 1865.

[3] The Johnson Papers, R. W. Johnson to A. Johnson, April 1st and September 4, 1866; *Van Buren Press*, February 3, 1866.

[4] *Washington Telegraph*, July 5, 1865.

The mail service was not hurriedly reestablished and the people suffered much from being cut off from the outside world. As late as February, 1866, one of the most widely circulated newspapers in the state notified its readers that it could not keep them very well posted, but expressed the hope that it might be able soon to communicate with all parts of the country.[1] The roads, especially in the northern and western sections of the state, were so rough that mail routes could not be selected so as always to reach large sections of the state.[2] Daily mail service was the exception before the middle of July, 1867, the general service being one mail three days a week. This handicap greatly interfered with private business as well as with the public affairs of the state.

A view of the state's finances will throw considerable light on conditions in general. An exhibit of the kinds of property taxed, the value of each, the aggregate taxable property, and the state tax lays bare the impoverished condition and the burden of the people.[3] A fair study of that exhibit will convince the unbiased mind that the state authorities as a whole were honest and economical.

After the cessation of hostilities local tax collectors performed their duties with all degrees of honesty and efficiency. By September 30th, 1866, collectors for twenty-one counties had made complete reports;[4] those from four counties had made no report whatever;[5] those from three had submitted

[1] *Van Buren Press*, February 3, 1866.

[2] *Ibid.*, March 8, 1867.

[3] *Auditor's Report*, 1864-1866, pp. 8 *et seq.*

[4] Benton, Conway, Crittenden, Calhoun, Columbia, Desha, Fulton, Izard, Jackson, Lafayette, Lawrence, Monroe, Montgomery, Poinsett, Polk, Randolph, Union, Van Buren, Washington, White, and Woodruff.

[5] Crawford, Madison, Mississippi and Sevier.

no tax books,[1] though one of them had made payment in full;[2] and one collector had absconded with the larger part of his collections.[3]

The tax law levied a tax on almost every form of proprty in the state, and on a valuation of $35,723,449 an asssessment was made on $38,723,449 in anticipation of prospective additions of merchandise and assessments of counties which had not reported. The total assessed tax for the state was $387,234.49, of which $293,043.86 had been paid into the treasury by November, 1866, leaving $94,190.63 unpaid. The auditor thought $50,000 of this balance would be collected.[4] Appropriations to the amount of $186,905.81 had been made, but only $170,000 had been disbursed on account of the government since the inauguration of the provisional government—a period of two and one half years.

Now, since it was estimated that $200,000 would meet the ordinary expenses of the government for the next biennial period, a reduction was urged as just. The state auditor pointed out the fact that property owners were paying a state tax of one per cent and a county tax of one half of one per cent, while merchants and traders were paying from six to twelve per cent on the capital invested. The fact that one fourth of the tax for 1865 remained uncollected or unaccounted for to the state treasury as late as September 30th, 1866, may be attributed to the unsettled conditions of that year, or to the inefficiency or corruption of individual collectors. The collection of a surplus, as indicated in the auditor's report, without corresponding benefit to the state, was certainly unwise. Appropriations were reasonable and officers showed no disposition to press the treasury for their

[1] Bradley, Clark and Columbia.

[2] Columbia.

[3] Collector for Clark Co.

[4] *Auditor's Report*, p. 5.

respective allotments.[1] And since the state had done so well up to January, 1866,[2] on scrip fluctuating from fifteen to ninety-five cents, and was now able to meet all obligations in money, it was considered but just that taxes be reduced.[3]

In his message to the legislature, November 8th, 1866, the governor stated that after meeting all obligations then due there would remain in the treasury $153,540.37 to meet current expenses of government.[4] He, therefore, recommended a general revision of the revenue law, looking to greater equality, uniformity, and efficiency in assessment and collection, and a reduction in the rate of taxation.[5] But the legislature—the first one with full membership since the war—was in control of the ante-bellum political forces, who were in no frame of mind to follow the governor's recommendations. When once assembled they continued their sessions until March 23rd, 1867, the eve of congressional reconstruction.

Throughout these months their efforts centered on the one task of undoing the work of the legislature of 1864 and 1865 and returning the state to pre-war conditions so far as that could be done by legislation. They proceeded to reenact the tax law which was in force on May 6th, 1861, except that the provision of that law requiring all lands to be assessed at $3 per acre was replaced by the requirement that all lands be assessed at their true value.[6] The rate of the general property tax was fixed at one half

[1] *Auditor's Report*, 1866, p. 8.

[2] *H. Reports*, 39th Cong., 1st Sess., pt. iii, no. 30; *Auditor's Report*, p. 24.

[3] *H. Journal*, Nov. 8, 1866, Gov. Message: W. D. Snow in *H. Reports*, 39th Cong., 1st Sess., pt. iii, no. 30.

[4] *H. Journal*, 1866, p. 32.

[5] *Ibid.*, pp. 32-33.

[6] *Laws of Arkansas*, 1866-1867, p. 68.

of one per cent, while counties were authorized to levy for county purposes a tax of one per cent. Assessments were to be made and payments receipted on the basis of a written description by the owner of the property.[1] Taxes for years prior to 1865 were prohibited,[2] and those for 1865 might be collected at any time prior to May 1st, 1867.[3] Collectors were required, under penalty of $100 fine for each violation, to pay into the county treasury just such moneys as were collected,[4] but might exchange money collected for treasury notes and warrants, which the state treasury must accept in payment of state taxes.[5] On the whole they made no real improvement over the system devised by the preceding legislature.

While the restored state government was struggling with its internal problems its fate was being determined by the course of the great political contest at Washington. As we have seen, the first session of the legislature in 1864 elected two United States Senators.[6] These so-called sentors-elect duly presented themselves to the United States Senate. On May 21, 1864, Senator Lane, of Kansas, presented Fishback's credentials, but made no motion to admit him to a seat. The credentials, however, were read as a matter of information and found to be perfectly regular in form.[7] There the matter rested until the 25th, when Lane moved that the usual oath be administered to Fishback.[8] A

[1] *Laws of Arkansas*, 1866-1867, p. 72.

[2] *Ibid.*, p. 96.

[3] *Ibid.*, p. 134.

[4] *Ibid.*, p. 201.

[5] *Ibid.*, p. 487.

[6] Wm. Fishback to fill the unexpired term of Sen. Sebastian, ending March 4, 1865 and Elisha Baxter to fill the unexpired term of Sen. Mitchell, ending March 4, 1867.

[7] *Globe*, 38th Cong., 1st Sess., p. 2392.

[8] *Ibid.*, p. 2458.

short and pointed debate then ensued, in which the origin and character of the Arkansas state government came in for careful examination. Lane supported his motion by a defence of the procedure in Arkansas as based on the President's proclamation of December 8th, 1863. The attitude of the opposition was intimated by Senator Howard, when he said: "I am not about to say anything about that proclamation. The time, however, may come when it may be necessary for members of this body to take into consideration, and to express an opinion as to the right and power of the Executive of the United States to issue such an instrument for the purpose of reorganization, or reconstruction, no matter which term is used, of the rebellious states." [1] He was not averse to seeing the Union restored, but simply demanded that it be restored by the assent of the people. The right of the President of the United States as commander-in-chief of the army and navy of the United States, or as chief magistrate of the nation, to reconstruct and reestablish the Union was unequivocally denied. That right was claimed for the Congress of the United States.[2] A motion to refer the certificate to the committee on the judiciary without debate was defeated, and the discussion was postponed. Six days later Senator Foot presented the credentials of Elisha Baxter as senator-elect from Arkansas and moved that they be read and laid on the table until the Senate should take action on Fishback's case.[3]

On June 11th Senator Lane secured unanimous consent to consider a joint resolution calling on the President to furnish the Senate with all "correspondence, orders and documents on file in the departments in relation to the organ-

[1] *Globe*, 38th Cong., 1st Sess., p. 2459.

[2] *Ibid.*

[3] *Ibid.*, p. 2586.

ization by the loyal people of Arkansas of the free state government of that state." [1] To this its author proposed as an amendment a resolution " for the recognition of the free state government of the State of Arkansas." The amendment was ordered printed and came up for consideration on the 13th, when Senator Sumner threw further light on the motives of those who opposed the seating of the claimants from Arkansas. The question, to his mind, involved not only the claim to a seat in the Senate but also the right of the State of Arkansas to share in the national government by representation in Congress and to participate in the approaching presidential election. " The admission of Arkansas *at this time and under existing circumstances*" he pronounced " improper, unreasonable and dangerous." [2] In support of this view he asserted that the proposed representation was that of a minority, part of whom had been engaged in rebellion; that representation in the Senate would be followed by representation in the House, whereupon a small minority or a fraction of the people of Arkansas would wield all the power of a loyal state; that the state government of Arkansas was the creature of the military and still under its domination, a situation inconsistent with civil government; that Congress had jurisdiction over all the states where loyal governments had been overturned; and that Arkansas was shut out from all commercial intercourse with the loyal states by the presidential proclamation of August 16th, 1861.[3] He described Arkansas as being " in a condition of political syncope or suspended animation," from which she could be brought back into the Union only by concurrence of both houses of Congress and the approval of the

[1] *Globe*, 38th Cong., 1st Sess., p. 2866.

[2] *Ibid.*, p. 2897.

[3] Non intercourse proclamation made under the authority of the act of July 17, 1861.

President.[1] Any government created under authority of the President was described as "provincial or temporary until it has received the sanction of Congress." [2]

The object of those who opposed countenancing the government in Arkansas being to prevent a reference of the credentials and the joint resolution to the committee on the judiciary, the attack was shifted from the origin and character of the state government to Fishback's record on secession and the character of his election by the legislature. His admission was vigorously opposed on both of these grounds.[3] However, reference to the committee on the judiciary carried by 32 to 5.[4] On June 27th, Senator Trumbull for this committe reported adversely on the joint resolution and as touching the credentials of Fishback and Baxter, offered a resolution "that William Fishback and Elisha Baxter are not entitled to seats as Senators from Arkansas." [5] The report was ordered printed and came up two days later on motion of Mr. Trumbull. Lane now urged that a decision be postponed until December in order to give the claimants ample opportunity to show the validity of their claims, and tried again to center the whole case on whether or not Arkansas had ever been out of the Union. Trumbull stated that the committee on the judiciary had zealously avoided that point by confining its inquiries to an examination of the legislature which had elected the claimants. This body they had found to be not such a legislature as contemplated in the constitutional system of the United States.[6] At that juncture Senator Wade and

[1] *Globe*, 38th Cong., 1st Sess., p. 2897.

[2] *Ibid.*, p. 1298.

[3] *Ibid.*, pp. 1298 *et seq.*

[4] Chandler, Howard, Richardson, Sumner and Wade voting in the negative.

[5] *Globe*, 38th Cong., 1st Sess., p. 3285.

[6] *Ibid.*, p. 3361.

others reminded the senators that there was then before the Senate a House bill which, if passed, would eliminate much of the uncertainty as to the status of the seceded states. When a motion by Wade to postpone the vote on the committee's report to take up the house bill failed by a vote of 5 to 28, Lane withdrew his motion to postpone the vote on credentials to December and left the field clear for a vote on the committee's report. That was the signal for a renewal of the discussion whether or not Arkansas was a state in the Union; but after a brief rehash of the arguments previously offered, the resolution passed by a vote of 27 to 5.[1]

The question was raised again on January 27th, 1865, when Mr. Pomeroy offered a resolution to declare Arkansas restored to the Union. The resolution was tabled, but five days later its author moved to take the resolution from the table and refer to the committee on the judiciary.[2] In support of this motion he referred to that committee's report on the same subject at the previous session, in which they had said: "When the rebellion in Arkansas shall have been so far suppressed that the loyal inhabitants thereof shall be free to reestablish their state government upon a republican foundation, or to recognize the one already set up and by the aid and not in subordination to the military maintain the same, they will then, and not before, in the opinion of your committee, be entitled to a representation in Congress and to participate in the administration of the federal government." To prove that such a situation then existed in Arkansas Pomeroy cited abundant testimony from civil and military officials in the state.[3] The resolution was referred; but on March 3rd Mr. Trumbull for his committee

[1] *Globe*, 38th Cong., 1st Sess., p. 3368.

[2] *Globe*, 38th Cong., 2nd Sess., pt. i, p. 450.

[3] *Ibid.*, p. 532.

asked and received a discharge from further consideration of the matter.[1]

Later by almost a year, February 26th, 1866, a motion to take the credentials from the files of the Senate was carried; but when an effort was made to refer them to the committee on the judiciary Mr. Trumbull succeeded in having them tabled by pointing out the necessity of not taking action until the Joint Committee of Fifteen on Reconstruction should make its report.[2] When a motion of Lane to admit the claimants to seats failed by a vote of 27 to 18, the free state government of Arkansas lost all hope of recognition at the hands of Congress. Already on February 20th, 1866, the House of Representatives had adopted a resolution that no senator or representative from any of the late insurrectionary states should be admitted to either branch of Congress until that body should have declared those states entitled to representation. When, therefore, on March 2nd the Senate concurred the question of readmission was settled.[3]

This outcome was not unexpected to the more conservative friends of restoration. They had repeatedly pointed out the fact that most of the officers elected under the new constitution had been secessionists, that the state government was but an experiment and that loyalty was being tested.[4] To minds of that cast it appeared but right to reject Fishback. But what of the status of the free state government during this period of suspense? This was especially perplexing to local party leaders throughout 1864.[5] If sena-

[1] *Globe*, 38th Cong., 2nd Sess., pt. ii, p. 1338.

[2] *Globe*, 39th Cong., 1st Sess., p. 1027.

[3] McPherson, *Reconstruction*, p. 72.

[4] *National Democrat*, May 14, 1864.

[5] *Ibid.*, June 4 and 28, 1864.

tors and representatives were not seated, should the friends of the Republican party in the state elect presidential electors?[1] It was held that electors should be selected, for the reason that the state might be admitted before the electoral count or the President might call an extra session in case of victory at Richmond or Atlanta, in which event the state would be prepared to avail herself of an opportunity to resume her place in the Union.[2] In other words the state should proceed just as if her representatives had been seated. President Lincoln took the same view of the case.[3] On November 30th, 1864, Steele wrote the President that he hoped the Arkansas delegation would be seated, for there was no doubt of their loyalty and they all sympathised with the administration. However, Steele was not then in a position to bring much pressure to bear upon congressmen or anybody else, as he was considered too lenient and of no aid to emancipation.[4] Governor Murphy complained bitterly that the refusal of congress to seat representatives from Arkansas had chilled the people, because they "could not understand how loyal representatives of one of the United States could justly be refused seats."[5]

In July, 1865, Governor Murphy and other prominent loyal men united in a letter to President Johnson, setting forth the belief that what Arkansas needed most was a proclamation declaring the state no longer in a state of insurrection.[6] However, they would not ask the removal of the United States troops, as their presence would be needed for

[1] *National Democrat*, June 28, 1864.

[2] Lincoln's *Works*, vol. x, pp. 139-140.

[3] *Off. Rec.*, ser. i, vol. xli, pt. iv, p. 723.

[4] Greely, *American Conflict*, vol. ii, p. 556.

[5] *National Democrat*, Nov. 7, 1864.

[6] Judge H. C. Caldwell, U. S. District Judge, Orville Jennings, U. S. District Attorney and Elisha Baxter.

some time yet to suppress "spasmodic cases of violence" and aid the civil authorities.[1] This position was endorsed by General Reynolds in an official communication, wherein he stated that such a proclamation "would remove the last ground for cavil with a few malcontents" and prove of inestimable value to the loyal people who had struggled through persecutions and discouragements not appreciated by those who had not witnessed them.[2] That undoubtedly expressed Reynolds's true views.

[1] Johnson Papers, July 8, 1865.

[2] *Off. Rec.*, ser. i, vol. xlviii, pt. ii, p. 794.

CHAPTER IV

Preliminaries of Congressional Reconstruction

By the middle of 1866 party reorganization had made progress sufficient to warrant description in regular party terminology, though at no time prior to the organization of the Republican party in Arkansas was party nomenclature accurately suggestive of party principles, leadership, or constituency. Each of the old party names, because of associations now considered prejudicial to party success, was rejected by those who formerly had espoused it. "Democrat" now connoted certain sentiments and party activities on slavery, secession and the war, altogether out of accord with current protestations of loyalty to the Union, and consequently was not adopted by former Democrats when resuming party activities. "Republican" was too suggestive of hostility to ante-bellum Southern institutions and of advanced views on the freedmen to commend itself to the native Unionists who were essential to the success of any political party seeking to establish a state government loyal to the federal government. Ex-Confederates, whether Democrats or Whigs before the war, and a minority of the original Union men in the state now united under the name of Conservatives. Those who supported the Murphy government and those who preferred reconstruction strictly by loyal men who had never been identified in any degree with secession or the Confederacy entitled themselves Unionists. But, except for strictly official designation, the Unionists referred to Conservatives as rebels, secessionists, Confeder-

ates or Democrats, indiscriminately, while the loyal press often applied to its opponents terms even more opprobrious. The Conservatives equally as loose and inconsistent as the Unionists in the use of party names, called all but their own partisans Republicans, Black Republicans, radicals, or other names suggesting antipathy for Southern institutions, advanced views on the negro, or sympathy for the radical Republicans in Congress.

The malcontents of whom General Reynolds spoke in his endorsement of the state government were those in favor of beginning anew the work of state building, in order to escape the odium of not having given all the loyal people an opportunity to participate in the work.[1] This class included unrepentent rebels, politicians among the Unionists who hoped through a general change to promote their own interests, and a small number of unselfish loyal men who felt that the Murphy government was not able to stand alone. That immediately after the surrender the unfriendly attitude of ex-Confederate leaders towards the existing state government began to show itself was reflected in a proclamation of Governor Harris Flanagin, May 23rd, 1865, suggesting that the people in each community organize for local protection.[2] Some desired the appointment of a provisional governor,[3] and one vigorous advocate of that course took evident satisfaction in the fact "that the state government at Little Rock seems to hang fire and does not readily get itself under way."[4] But a week after thus stating his position he admitted there was a growing sentiment in favor of adopting the existing government and held that the only

[1] Johnson Papers, June 16, 1865, Thos. Cottman to A. Johnson.

[2] *Washington Telegraph*, May 24, 1865.

[3] *Arkansas Gazette*, December 2, 1865.

[4] *Washington Telegraph*, July 19, 1865.

real opposition to it arose from the test oath designed to restrict the elective franchise.[1] In September John R. Eakin, a former editor of the *Washington Telegraph*, ardently endorsed the state government and urged all citizens to exercise their political rights in every loyal and peaceable way.[2] This was quite an advance over the same organ's position in May, when it urged the people to cooperate "in the restoration of such a system of government as will best promote the public good and meet the change in our conditions."[3] However, this change of attitude was not very general. On October 24th, Augustus H. Garland addressed to President Johnson a letter, in which he held that "reconstruction, a reorganization consistent with your views, which three-fourths or four-fifths of our people endorse" could be had only through a provisional government until the people could meet in convention and form a new constitution. "The present government," he said, "is a failure, represents nobody, is nothing in fact."[4]

Avowed hostility to the state government did not become general until after President Johnson telegrphed Governor Murphy, October 30th, 1865, that there would be no interference with the state organization and advised him that all the aid in the power of the national government would be "given in restoring the state to its former relations."[5] There were then open to those styling themselves Conservatives two courses: they could denounce the state government fully endorsed by Johnson and continue to demand a

[1] *Washington Telegraph*, July 26, 1865.

[2] *Ibid.*, September, 1865.

[3] *Ibid.*, May 24, 1865.

[4] Johnson Papers, October 24, 1865, Garland to A. Johnson.

[5] McPherson, *Reconstruction*, p. 28; *Unconditional Union*, October 30, 1865; *An. Cyc.*, 1865, p. 28.

provisional governor, or they could bide their time and through normal means gain control of it. For that element of the so-called loyal people who had demanded reorganization, *de novo,* the door of hope opened towards Congress. While the friends of the government contemplated fair sailing under the aid which the President had vouchsafed to them, the opposition tried to agree on a course of action. The character of this oppositon came to light in December 1865, when delegates from about twenty counties assembled in mass convention at Little Rock for organizing and formulating the position of their constituents.[1] General W. T. Sherman, who happened to be in the city on an inspection tour of the department and was invited to address the convention, thought it composed of "rebels" and later expressed the opinion that nothing would come from their deliberations.[2] His prediction was sound, for they soon adjourned to meet again in February 1866, and before that time arrived the decision of the state supreme court in Rison et al *v.* Farr led them to pursue quite a different course.[3] When this decision appeared the ante-bellum Democracy began to see virtue in the Murphy government, for at the first election they could easily gain control of it. On the other hand many who had steadfastly supported the state government, and many more who had opposed it as not being the work of the "truly loyal" men of Arkansas, began to question its validity, especially as Congress was making progress in involving a plan of reconstruction according to its own views and would probably formulate a policy better suited to their purposes. Thus parties were changing positions when the sub-committee of the Joint Committee

[1] *Washington Telegraph,* December 20, 1865.

[2] *Sen. Ex. Docs.,* 39th Cong., 1st Sess., no. 30.

[3] See pp. 77 and 79.

of Fifteen on Reconstruction proceeded to diagnose the case of Arkansas.[1]

This committee sought to ascertain the temper of the people recently in rebellion; the workings of the Freedmen's Bureau; the disposition of the negroes to work; the danger of disturbances and the need of the United States military; the feeling of the people on negro suffrage, negro rights and negro education; the claims of the existing state government to recognition; and the loyalty of the candidates-elect to Congress. Holding their investigations in Washington, between January 27th and March 19th they examined sixteen witnesses.[2] Six of these witnesses had made only short sojourns in Arkansas and from the nature of their missions were not sufficiently well informed to give creditable testimony. Five others were either office holders under the existing state government or claimants to seats in the United States Congress. Of the other five John M. Tibbetts, a lawyer of twenty-eight years residence in the state, C. A. Henry, and George R. Weeks were the only ones qualified by residence and contact with the people to give reliable testimony. No ex-Confederate was examined. Most of the testimony was colored by friendship or hostility for the existing state government, and on the whole made out a good case for it.[3] The import of the testimony of

[1] *H. Reports*, 39th Cong., 1st Sess., pt. iii, no. 30. The sub-committee on Georgia, Alabama, Mississippi and Arkansas was composed of United States Senator Ira Harris, N. Y. and Reps. George S. Boutwell, Mass. and Justin S. Morrill, Vt.

[2] Mordecai Mobley, Jan. 27th; G. H. Kyle, Feb. 1st; Wm. Byers, Feb. 2nd; Brig. Gen. J. S. Brisbin, Feb. 14th; E. D. Ayers, Feb. 17th; C. A. Harper, Feb. 17; George Weeks, Feb. 19th; Maj. R. West, Feb. 19th; W. D. Snow, Feb. 19th; Maj. J. W. Smith, Feb. 20th; S. R. Harrington, March 2nd; Col. C. A. Henry, March 6th; Gen. C. C. Andrews, March 13th; Gen. James Blunt, March 14th; John M. Tibbetts, March 19th; L. H. Whipple, March 20th.

[3] *H. Reports*, 39th Cong., 1st Sess., pt. iii, no. 30, *passim*.

those interested in the existing state government was that, while some dissatisfaction with its present status was evident, the temper of the people was improving, the Freedmen's Bureau was doing well and was needed, and the negro if treated fairly would work. It was their opinion that, while there was no great danger of disturbance, it would be well to retain a military force in the state; that negroes' rights were largely dependent on the Freedmen's Bureau; that little was being done for the education of the negro; that the majority of the people were opposed to negro suffrage; that the state government was making progress; and that the representatives-elect to Congress were loyal men. Those hostile to the state government furnished no very damaging testimony against it.

By the time the Joint Committee on Reconstruction made its report, June 18, 1866, it was clear that Congress and the President would never agree on a plan of restoring the southern states. As the breach between them widened, party lines in Arkansas were more clearly drawn and party spirit ran high. The Conservatives were now charged with dark plotting to regain control of the state government and secure readmission to the Union, in order to accomplish universal amnesty, indemnity for losses in the war, assumption of the Confederate debt, repudiation of the national war debt, and a general curtailment of the civil rights of the negro.[1] If such were the designs of the Conservatives, there is not the slightest evidence that it was a dark plot or "make believe" policy hatched in the minds of rebellious ex-Confederates.[2] Their press was outspoken and the bitterness with which they attacked the leading tenets of the radicals in and outside of Congress was too bold to be the expres-

[1] Chase Papers, vol. 97, December 4, 1864, John Kirkwood to S. P. Chase.

[2] Clayton, *The Aftermath of the Civil War in Arkansas*, p. 30.

sions of plotters. Conservatives demanded in no uncertain terms that waverers be "pig or puppy" in the fight against negro suffrage.[1] As early as March they had launched a vigorous campaign to carry the August state election, had organized Johnson clubs, and in some cases had organized National Union Clubs.[2] Warming up to the contest the *Van Buren Press* assumed an agressive tone. The supreme court, it declared, had wiped the "infamous test oath" from the statute books; and regardless of what the "shallow pated" ones might say, "all who are free, who are white, who are males and twenty-one years of age, and have been residing in the state six months" should go to the polls and vote like men. The political situation was declared to be the paramount issue. It warned the public that the Black Republican party was trying to force negro equality on the South, and that only harmony and united action could stay the calamity. The advice from a Washington correspondent that "all that Arkansas should do in this crisis is to remain in profound peace as the state is at present; to see that in the election none but true and good men are elected whose creed is like unto President Johnson's" was fuly endorsed.[3] Only Union men in full sympathy with the President should be placed in office or permitted to lead in the primary meetings.[4]

The Conservative candidates were approved as men with no political tricks and treachery. The negro should have all rights, except those of voting, sitting on juries, and holding office. Taxation should be reduced. The cry of the "Union" was denounced as the wile of the demagogue, for

[1] *Van Buren Press*, July 21, 1866.

[2] *Van Buren Press*, March 10, 1866; *Arkansas Gazette*, Aug. 18, 1866; Johnson Papers, January 20, 1867.

[3] *Van Buren Press* for April, May, June and July, 1866.

[4] *Van Buren Press*, April 21, 1866; *Arkansas Gazette*, April 13, 1866.

ten to one of the Conservatives were declared to be good Union men. No pains were spared to prove that the Conservatives were for the Union.[1] When the state attorney general gave an opinion that the August election was not the time for electing representatives to Congress, it was ignored or argued out of their way.[2]

As the canvass progressed Governor Murphy was denounced as a "lump of stupidity and imbecility" who had written a letter endorsing the Southern radical convention.[3] On the other hand "Old Imbecility" had lined up with the radical congress and could see in the Conservatives nothing but traitors, whose "tone is so venomous and disloyal we begin to fear their success will bring to the future the scenes of the past."[4] As the election approached and it became more and more evident that the Conservatives would carry the state, Murphy raised the cry that "Union men were being hunted down and shot by the rebels."[5] At the same time the Conservatives were denouncing the Union League as an organization of the scum of society for the purpose of controlling politics, and warning the people that to vote with it was to vote an enormous taxation to pay the salary of an adjutant general for "old Murphy."[6]

The canvass was bitter, party organization rather loose, the press violent, and but one result possible. The best

[1] *Van Buren Press*, July 21, 1866.

[2] *Ibid.*, August 25, 1866.

[3] *Ibid.*, Sept. 1, 1866. McPherson, *Reconstruction*, p. 124. Dunning, *Reconstruction Political and Economic*, pp. 76-77. This was a call for a meeting of the "Loyal Unionists of the South" to unite the "think-and-thin" opponents of secession and the Confederacy, who had been defeated in their respective states by ex-Confederate candidates.

[4] *Arkansas Gazette*, Aug. 2, 1866. Van Buren Press, Sept. 1, 1866.

[5] Letter in MSS. Dept. of Arkansas History Commission.

[6] *Van Buren Press*, June 30, 1866.

leaders in the Conservative group insisted that only true Union men be on their ticket, and they carried that point. The Radicals were not sure enough of the ultimate course of Congress to come out squarely on any definite program. They were a numerical minority, inferior in capacity, leadership and prestige. The vote held on the first Monday in August for auditor, treasurer, supreme court judges, and members of the legislature resulted in an overwhelming victory for the Conservatives.[1] William Byers was the only congressman of the early Murphy government to be returned at this election. For auditor the 34,407 votes cast were 15,241 for Miller, 12,690 for Fagan, 6,476 for Berry.[2] L. B. Cunningham was elected treasurer, and J. J. Clendenin and D. Walker justices of the supreme court. The legislature was almost unanimously Conservative, there being only five Unionists elected to the House.[3]

The struggle was now transferred to the halls of the state legislature and to the city of Washington. The legislature met on November 5th, conscious of its endorsement by an overwhelming majority of the white people of the state and inclined to restore Arkansas to the Union by its own methods and on its own terms. Governor Murphy, almost the only remnant of the first essay at restoration, was completely out of their confidence. But when in his message of November 8th he said that "during the last three or four months a proscriptive party spirit has developed itself to an alarming extent,—threatening an appeal to arms, and the renewal of the late contest in a different shape,"[4]

[1] *An. Cyc.*, 1866, p. 26; Clayton, *Aftermath of the Civil War in Arkansas*, p. 31; *V. B. Press*, Oct. 19, 1866.

[2] *An. Cyc.*, 1866, p. 26. Miller and Fagan were both Union candidates, Berry a straight out Republican.

[3] *Ibid.*, 1866, p. 26.

[4] *House Journal*, 1866-1867, p. 30.

they made quite a show at investigating the charge. They appointed a joint committee of ten, five from each house, to make a thorough investigation.[1] The committee called on Adjutant General Bishop for information on the subject, but received only the most indefinite charges of cruelty and injustice against loyal people.[2] The governor and his adjutant general had caught the true spirit of the radicals at the North in their recent congressional elections in charging rebel cruelty to loyal persons in the South. As a counter to such charges the Conservatives insinuated that the governor should explain the organization of military companies or bands in some of the western counties.[3] It is probable that both parties were guilty as accused. Certainly they were both capable of such activities and the situation was most inviting for rough methods. Whatever the truth of the charges, they were but forerunners of a most ignoble brood.

The change in the character of restoration was clearly exhibited when the legislature enacted a pensions law evidently for the benefit of ex-Confederate soldiers. The act set aside ten per cent of the annual revenue of the state " for the relief of the destitute, wounded, or disabled soldiers, not otherwise provided for by the United States." Ten thousand dollars of this amount for the first year was set aside for the purchase of artificial limbs for soldiers.

[1] *H. Journal*, p. 78.

[2] *H. Misc. Docs.*, 39th Cong., 2nd Sess., no. 15. Bishop replied "that in many portions of the state those citizens who had advocated the cause of the general government during the late war, and especially those who took up arms in its defense, are now insecure in their persons and property, and can not receive impartial justice from the civil tribunals; that their lives have been threatened, and several murders committed, for no known cause except adhesion to the government of the United States, or the seizure of property under military order in time of war."

[3] *Van Buren Press*, Nov. 16, 1866.

County courts were authorized to levy for the same classes of beneficiaries a tax not exceeding fifty per cent of the state tax.[1] It was designed to apply to maimed "soldiers not now in the service of the United States, who have not been provided for by pensions, bounties or otherwise, who enlisted in this state, and are residents of this state, at the time of the passage of this act." When the governor vetoed the bill as "a glaring violation of the obligations imposed both by the constitution of the United States and of this state," because it honored "the enemies of the United States by conferring upon them rewards and pensions" for services in fighting against the United States,[2] it was promptly passed over the veto, in the Senate by 20 to 1 [3] and in the House by 52 to 4.[4]

On November 16th a resolution assuring President Johnson of the support and gratitude of the people of Arkansas for pursuing the policy exhibited in his public acts and for standing between the people and the unholy legislation of radical majorities was referred to the committee on federal relations.[5] A similar fate awaited a resolution expressive of thanks to "General Jefferson Davis for the noble and patriotic manner in which he conducted the affairs of our government while President of the Confederacy" and "assuring him of our most earnest and heartfelt sympathy, while with unexampled fortitude he endures in Northern prisons unparalleled suffering as a martyr to liberty." [6] Sympathy for President Johnson against the majority in Congress, as well as determined opposition to the policy

[1] *Acts of Arkansas*, 1866-1867, p. 93.

[2] *Senate Journal*, 1866-1867, p. 346.

[3] *Ibid.*, p. 369.

[4] *House Journal*, p. 836; *Weekly Ark. Gazette*, January 29, 1867.

[5] *House Journal*, 1866-1867, pp. 100-101; *An. Cyc.*, 1866, pp. 26-30.

[6] *House Journal*, 1866-1867, p. 219.

gradually developing at Washington, was quite manifest in the rejection of the Fourteenth Amendment, in the Senate on December 10th by a vote of 24 to 1 and in the House on December 17th by a vote of 62 to 2.[1]

As a further step in restoring to power the ante-bellum forces the legislature elected as United States Senators two men who at one time or another had been in full sympathy with secession. The term of Elisha Baxter would expire on March 4th, 1867, and as his successor they elected Dr. Andrew Hunter.[2] When Dr. Hunter declined the election, February 11th, 1867,[3] they elected Honorable Augustus H. Garland.[4] The business of replacing the other Senator, W. D. Snow, was not so simple, but by no means difficult. His election was called in question and after a thorough in-

[1] *House Journal*, 1866-1867, pp. 290-291; *Senate Journal*, 1866-1867, p. 262; *An. Cyc.*, 1866, p. 27. The senate committee on federal relations, to whom the proposition to ratify the proposed amendment had been referred, elaborated the reasons why it should be rejected. They held that they could not know whether it had been acted on by a Congress in the meaning of the constitution, when nearly one-third of the states were denied representation therein. It had not been submitted to the President. It conferred too much power on Congress in the provision that it might enact appropriate legislation for carrying out the foregoing clauses. It was an effort to force negro suffrage on the state. It proposes "to brand by thousands the people of the state, who have struggled in a cause dear to them, like patriots, who have yielded to the fate of war as brave and magnanimous people only could." It contemplates new conditions not mentioned in the surrender of the troops. It is ungenerous to a people who in all things have been so true to their surrender. Moreover, if adopted there is no certainty that the state will be restored to the Union. She and others may be forced to take harsher terms but they can not purchase restoration "at such a sacrifice of principle, dignity, and self respect." For a Republican's view of the rebel temper of this body, see a letter from John Kirkwood to S. P. Chase, in Chase papers, December 4, 1866, vol. 97.

[2] *Senate Jurnal*, p. 191.

[3] *Ibid.*, p. 486.

[4] *House Journal*, 1866-1867, p. 546.

vestigation and on quite sufficient grounds declared invalid.[1] For the unexpired term thus created they elected the Honorable John T. Jones, of Phillips County.[2] The main issue in the election of senators was not the original loyalty of the candidates, but whether or not they were supporters of the President's policy. The result was considered a distinct victory for the "Johnson family" party, as the Arkansas supporters of the President were called.[3]

The state judiciary came in for a lively purging. There can be little doubt that most of the judges were of inferior quality, but not inferior enough to warrant the methods of attack resorted to. Since the terms for which the judges were elected would not expire for some time, it was decided to try a little impeachment on some of the most obpectionable ones. On February 4th, 1867, a special committee of the House reported articles of impeachment against Augustus N. Hargrove, judge of the ninth judicial circuit.[4] Two days later four managers were elected to conduct the prosecution.[5] On the tenth day of the same month the House resolved to impeach Elias Harrell, judge of the eighth judicial circuit, for "partiality, misconduct, abuse of his official authority, willful oppression, and misdemeanor in office."[6] Five days later four managers were elected for prosecuting the case.[7] On March 15th, ample appropria-

[1] *Senate Journal*, 1866-1867, pp. 92-94.

[2] *Ibid.*, pp. 175-176.

[3] *Van Buren Press*, December 7, 1866; Chase Papers, vol. 97, Dec. 4, 1866.

[4] *H. Journal*, p. 493.

[5] *Ibid.*, p. 914. Brooks of Washington, John R. Eakin, Cameron and Hughes.

[6] *H. Journal*, p. 558.

[7] *Ibid.*, pp. 601-602, Jon. R. Pettigrew, T. F. Sorrells, H. F. Thomason, R. C. Newton, managers for Harrell.

tions were made for the expenses of prosecuting both cases.[1] The managers in each case were able lawyers and thorough partisans, and prospects were good for a lively contest. But when, on March 19th, the Senate resolved itself into a high court of impeachment for the trial of Hargrove and the managers announced themselves ready, Mr. Gallagher, counsel for defendant, asked and received a continuance. The trial was finally set for July 15th,[2] and it appears that Harrell's case took the same course. The legislature adjourned on March 23rd to reassemble on July 8th;[3] but before that date arrived the military authorities acting under the reconstruction acts of Congress forbade its reassembling, and the impeachment proceedings along with other Conservative activities ceased.

Nevertheless, in the course of the legislative session many wholesome measures for rehabilitating the industrial and social life of the state were enacted. Besides the legislation already mentioned, acts were passed qualifying for the land grant provided in the acts of Congress of July 2nd, 1862, and July 23rd, 1866; regulating the labor system by rigid provisions; providing for a rather pretentious public school system, with benefits limited to the whites; and loaning the faith and credit of the state in the building of railroads. Forty-five distinct relief acts were passed, and colleges, private schools, and industrial establishments were incorporated in abundance.[4] It appears that the governor made no effort to obstruct the work of the legislature by the use of the veto. Of the two hundred twenty-seven bills presented, he signed two hundred fifteen, and of the thirty joint resolutions presented he approved twenty-three. The veto

[1] *House Journal*, 1866-1867, p. 909.

[2] *Van Buren Press*, March 29, 1867.

[3] *H. Journal*, p. 1006.

[4] *Laws of Arkansas*, 1866, *passim*.

messages and the promptness with which bills were passsd over the veto show how far apart were the legislative and executive branches of the government. However, there is no evidence to show that the governor was influencd in his official course by the development of the congressional plan of reconstruction at Washington.

The rank and file of his party friends could not maintain such equanimity. Their opposition to the legislature's course set all astir. On November 20th the Ft. Smith *New Era,* the leading organ of the radical Unionists, carried a call signed by a number of the citizens of the western part of the state for a convention to meet at Ft. Smith on December 13th.[1] This call declared: "Nothing is left us but to apply to Congress for redress and help, and Congress will not be deaf to our prayer. Congress will listen to our petition for an enabling act, permitting the loyal people to form a government in accordance with justice, freedom, and the inalienable rights of man. The late rebels have scornfully rejected every proffer of settling our difficulties on terms infinitely better than they deserve. Let us go back therefore and build up the house of state on a new foundation, removing the decayed and rotten timbers and erect an edifice which can never again be shaken, because its corner stone is laid upon justice and truth eternal as the Heavens."[2] This declaration the Conservatives denounced as open and flagrant treason. Nevertheless on the appointed day delegates assembled to the number of one hundred twenty. The Conservatives who observed this gathering at close range declared the attendance was materially increased by counting as delegates a number of boys who had been called in from the streets. Denunciatory speeches were indulged in,

[1] *Van Buren Press,* Nov. 30, 1866.

[2] *Ibid.,* Nov. 30, 1866, quoting Ft. Smith *New Era* of Nov. 20, 1866.

resolutions passed, and a committee of three selected to convey to Congress their resolutions and memorial.[1]

The legislature then in session was stirred by such activities on the part of their political enemies and planned a counter stroke. By joint resolution the two houses created a commission of fourteen, four members of which were to be appointed by the governor on behalf of the state, "for the purpose of conferring with the federal government on the various subjects involving the interests of the State of Arkansas."[2] And when the governor refused to appoint members for such a commission, the commissioners appointed by the legislature were authorized to proceed as if they were a full commission. Ten of them reached Washington City on January 1st, 1867. Two days after their arrival they called on the President and discussed with him "in a free and most unreserved conversation" the interests of Arkansas and the other southern states.[3] On invitation of the President they visited him the next day "for the purpose of meeting and having an interview with members of his cabinet."[4] In the course of that brief interview the members of the cabinet "expressed gratification at meeting a commission from Arkansas." One cabinet member remarked that Arkansas was regarded "as already reconstructed," and another said: "This is a move in the right direction, which it is hoped other southern states will imitate."[5] Secretary of State Seward entertained the com-

[1] *Van Buren Press*, December 21, 1866.

[2] For the Senate Andrew Hunter, W. W. Watkins, John R. Fellows; for the House Bradley Bunch, Hugh F. Thomason, Jno. R. Eakin, W. W. Reynolds, R. C. Newton, S. P. Hughes, L. C. Gause. *Van Buren Press*, Jan. 1, 1867.

[3] *H. Journal*, 1866-1867, p. 392.

[4] *Ibid.*, p. 293. General Grant was also present by invitation.

[5] *Ibid.*, 1866-1867, p. 393. Welles records no such expression, *Dairy*, vol. iii, p. 6.

missioners and the President's cabinet at dinner on January 5th.[1] From these expressions and from interviews with senators and representatives of "different shades of opinion" the commissioners arrived at the conclusions in their report.[2]

This report, submitted to the House of Representatives on January 22nd, 1867, made no effort to minimize the struggle between the President and Congress, but expressed the view that, since the "supreme court is looked to now as the umpire in this controversy," the contest would be decided in harmony with the President's views.[3] From that view of the case they were of the "opinion that the present state government in Arkansas—so generally concurred in by the people—will be sustained and preserved," and that "their fellow citizens should 'bravely hope and wisely wait' coming events."[4] Moreover, they felt that the interests of trade and commercial intercourse between the states would counteract the evil designs of radical politicians and help solve the question.[5] In closing their report the commissioners impressed upon their "fellow citizens the importance, the absolute necessity of remaining quiet, of preserving good order, and a quiet submission to a rigid enforcement of the law," allowing the Butlers, Stevenses and Sumners to do all the bullying.[6]

While the committee of the Ft. Smith radical convention was at Washington in the interest of an enabling act or some other action which would set aside the state government, the Union men who favored that government and be-

[1] Welles, *Diary*, vol. iii, p. 6.

[2] *House Journal*, 1866-1867, pp. 292-297.

[3] *Ibid.*, p. 393.

[4] *Ibid.*, p. 394.

[5] *Ibid.*, pp. 394-395.

[6] *Ibid.*, pp. 396-397.

lieved that the radicals of December 13th, 1866, represented only a small portion of the loyal element of the state held a convention.[1] On January 4th a meeting of moderate Union men at Ft. Smith appointed a temporary state central committee, "with power to take such action in the premises as might be considered proper and necessary to procure a full and fair expression of the loyal men of the state upon the question of abolishing the state government and other questions of policy."[2] On January 24th the committee issued a call "to the loyal men of the state of Arkansas" for a convention at Van Buren on February 25th, apportioned representation for that convention at one representative for every twenty loyal men in each county; and appointed a committee of thirty-five to "use their best exertions and influence to procure representation from all parts of the state."[3]

[1] *Van Buren Press*, Feb. 8, 1867; *Ark. Gazette*, Feb. 5, 1867. The committee consisted of Capt. J. R. Pratt, N. Hargrove, Thomas M. Bowen and Capt. James Howard.

[2] *Arkansas Gazette*, February 5, 1867.

[3] *Ark. Gazette*, Feb. 5, 1867. The thirty-five were: Capt. Milton Aldridge, Yell Co.; Capt. Jno. S. Spradlin, clerk circuit court, Sebastian Co.; J. R. B. Halliman, Sebastian Co.; Capt. M. M. Hukill, Sebastian Co.; Volney V. Milor, late sheriff Sebastian Co.; Thos. Kirsey, Sebastian Co.; Maj. J. Hacket, Rep. Sebastian Co.; James Watson, J. P. Sebastian Co.; S. Wrigley Murphy, Sebastian Co.; Jas. Edmonson, late clerk, Sebastian Co.; Dr. J. S. Bennett, Sebastian Co.; Wm. Britain, Supt. F. Bureau, Clark Co.; Capt. J. M. Howard, Pike Co.; Jas. P. Kirkham, Pike Co.; Jno. Gilcott, Sevier Co.; Col. Hawkins, Sevier Co.; A. D. Howkins, Sevier Co.; Maj. Hempstead, Hempstead Co.; Peter B. Allen, Polk Co.; Capt. Richard Flinn, Polk Co.; Fred M. White, Polk Co.; Jno. Robertson, Montgomery Co.; T. Martin, sheriff Montgomery Co.; Capt. J. J. Storm, Little Rock; Judge O'Bough, County court, Clark Co.; J. Berry, late state auditor; Augustus H. Garland, Pulaski Co.; Judge T. D. W. Yonley, Pulaski Co.; A. C. Gilbreath, Pulaski Co.; Col. F. W. Schwarte, Crawford Co.; Wm. Bowlin, Crowford Co.; Jno. A. Lane, Polk Co.; James Searle, Sebastian Co.; Capt. Thos. H. Scott, Sebastian Co.

At this point the extreme radicals under the leadership of the *New Era* definitely broke with all who favored moderation and denounced the proposed convention for "full and fair expression" as a humbug. Its promoters, however, announced that the loyal men of Arkansas would continue to demand such expression "on the questions which are now, and may hereafter be, before them - - - -. They will not be dragged into a line of policy, which, even if successful, would result in the eternal ruin of the State." Clear warning was given that desperate leaders would sacrifice the welfare of the state on the altar of personal greed. "Let us meet then at Van Buren on the 25th, and in language not to be misunderstood, announce to the country, that there is a policy here which is neither radical nor rebel. Erect a platform upon which all of us can stand; and without questioning the loyalty of loyal men who disagree with us" set an example of liberality which will put to shame the interested patriots who denounce all who refuse "to dance when they fiddle and to tremble when they wag their tails." [1]

On the appointed day the delegates assembled and organized with Thomas M. Bowen as chairman. After the usual amount of oratory, resolutions were adopted averring that "universal peace and quiet reign supreme throughout the State of Arkansas; no riots, mobs or other disorderly proceeding having occurred since the close of the war (as in Louisiana and some other southern states)"; that "the existing state constitution (created under the auspices of loyalty) with but slight amendment would fill every requirement necessary to guarantee the government of the state by loyal men;" and that a temporary suspension of law and the functions of local officers by the abolition of the existing government through an enabling act might bring trouble and danger,

[1] *Van Buren Press*, February 15, 1867.

if not blood shed, which law-abiding citizens could not prevent.[1] They endorsed the existing state government as a basis for reconstruction, "believing that the rights of loyal men, and the peace and safety of the entire community, will be most effectually preserved by pursuing the course indicated." They demanded "security for the future rather than indemnity for the past," and repudiated Valentine Dell, editor of the *New Era*, "as a representative of the loyal men of Arkansas." A state central committee of seven was appointed with "power to add twenty additional names at their discretion for the purpose of more effectually organizing the Union Party of Arkansas."[2] Chairman Bowen then closed the convention with a patriotic speech exhorting the people to sink the "partisan in the patriot" for the cause of restoration.

Since the leading spirits of this convention were later hand in glove with the more radical Republicans represented by Dell, in hearty support of the congressional policy of reconstruction, it is difficult to account for the moderateness of their views as expressed in this convention. It is more difficult still when viewed in the light of what was then developing in Congress. On February 6th Thaddeus Stevens reported in the House of Representatives a bill which became on March 2nd the first reconstruction act. With the pasage of that act, convention activities of all kinds in Arkansas ceased for a while and the radicals of all shades of opinion awaited the inauguration of military rule. On the other hand the Democratic legislature continued its work until the day on which the first supplementary reconstruction act was passed.

The legislators were fully aware of what was transpir-

[1] *Van Buren Press*, March 1, 1867.

[2] *Ibid.*, March 1, 1867.

ing at Washington and sought to give all the strength possible to the claims of the state government which they represented. On February 23rd, the Senate adopted a joint resolution declaring the full validity of the state government as organized and deprecating the calls for conventions of the people with a view to "creating a state government that would secure a representation in Congress." In this resolution it was averred that the existing state government in all its parts was in full operation and affording protection to life, liberty, and property, "as though no war had ever occurred between the two sections of the United States", and entitled to the support of the citizens of the state and to restoration to the Union "with all her rights and privileges as before the attempt to secede." [1] On March 8th the House of Representatives by joint resolution proposed a committee of ten, six on the part of the House and four on part of the Senate, "to inquire into and report as early as possible the best system of policy to be adopted by the State of Arkansas in relation to the federal government." [2] The next day the House committee on federal relations offered as a substitute for the Senate joint resolution a set of resolutions which declared the "existing state government *republican* in form, in conformity with the constitution, laws and treaties of the United States, a member of the federal Union, and entitled to its due representation in the Congress of the United States." The resolutions declared further that "the present state government can not be properly changed save in the manner pointed out in its own constitution, or by a convention called under authority of the law;" that "unauthorized efforts of portions of citizens voluntarily assembled for the purpose of changing the con-

[1] *Senate Journal*, 1866-1867, p. 561.

[2] *House Journal*, 1866-1867, p. 821.

stitution and form of government tend to anarchy, civil strife and the subversion of all law and order;" "that all good citizens should oppose all such efforts by all legitimate means;" and that the state relied upon "the constitutional duty of the United States in all its departments—legislative, executive and judicial—to guarantee to the state a republican form of government and protection against domestic violence."[1] These resolutions fully represented the views of the Conservatives and were adopted in the House 42 to 8,[2] in the Senate 15 to 6.[3]

The opposition to this statement of the case took two forms, one by the radical Unionists and another by a few moderate Conservatives who considered further action of any kind useless. J. Hackett of the joint committee of ten spoke for the radicals when he acknowledged the right of Congress to pass the act of March 2nd; demanded that the present legislature be purged of all who could not qualify for seats under the provisions of that act and their places filled by elections held in accordance with the terms of that law; recommended that all business of the legislature be suspended until such election had been held; and favored an early call for a convention for the purpose of organizing the state in conformity with that law. It was his opinion that the whole work of reorganizing the state should be done by those eligible to vote and hold office under the act of March 2nd; for only in that way could the state secure representation in Congress, the end demanded by the people and essential to the progress of public improvements and to the inflow of capital and immigration to the state.[4]

The Democratic opposition, or more nearly despair, in

[1] *H. Journal*, pp. 832-834.

[2] *Ibid.*, p. 864.

[3] *Senate Journal*, 1866-1867, p. 743; *Van Buren Press*, March 22, 1867.

[4] *House Journal*, 1866-1867, pp. 862-863.

respect to this course was expressed in Mr. Witt's explanation of why he opposed the substitution of the House resolution for those of the Senate. Said he: "I do not vote *no* because I deny the legitimate existence of the present state government, but if our action up to date, and the commission to Washington, has failed to define the status of the state, I do think further legislation on that point is wholly unnecessary and cannot possibly effect any good; and an action here that would not effect anything, in my opinion, I cannot support." [1]

Neither element of the opposition questioned at that time the fact that the state government, though created more or less irregularly under authority of the proclamation of December 8th, 1863, had been acquiesced in for some months by the vast majority of the people; that it was operating in all its departments as if the war had never occurred; that "life, liberty, and property were fully and amply" secured to all of its inhabitants; that it had accepted the abolition of slavery; and that it was in all respects regular, except that it was not created under the supervision of Congress. It was republican in form, if by that term is meant a representative government created by the sovereign people acting through a convention or constituent assembly. The people were hoping for better times; "indiscriminate sociability" was reported from some of the most inflammable communities in the state; and predictions were plenty that the people of Arkansas would be soon the most prosperous people in the whole land.[2] Politicians in convention failed to stir the honest, poverty-stricken, industrious farmers of the state, who cared less for interests of party than for a stable society in which to gain a living. An unusual amount of

[1] *Senate Journal*, 1866-1867, p. 745.

[2] *Van Buren Press*, February 8, 1867.

effort to stir up interest in the election of a lieutenant governor, February 22nd, 1867, was a complete failure.[1] Party appeals to the prejudices and passions engendered during the war fell on deaf ears for the most part, and no interest was manifested in the results of the election. The interests and energies of the people were centered on making a crop, and but little time was given to what was transpiring in the councils of politicians of any sort.[2]

The congressional plan of reconstruction thrust into a peaceful, industrious society the firebrands of passion and hate.. Under the leadership of radical politicians Congress ignored the facts of the situation which might have been ascertained by competent and impartial investigation, and followed largely the promptings of suspicion instead. To secure what they had come to recognize as legitimate results of the war they ignored the dictates of common humanity. They confounded the results of the war with personal and party objects. In Arkansas by March, 1867, all the legitimate results of the war were secured. Any other conclusion must be based on mere suspicion that the white people of that state, if restored to the Union as they stood on March 1st, 1867, would have violated the faith which was clearly plighted in the course which they had pursued up to that time. But negro suffrage and the entrenchment of the Republican party in control of the national government were not secure, and for the securing of these objects the state was thrown under military rule.

The preamble of the act of March 2nd cleared the ground for rigid military rule by declaring that " no legal state government or adequate protection for life and property " existed in ten states of the South, and asserting the necessity

[1] *Van Buren Press*, February 22, 1867.

[2] Conversation with representative men of the time.

of enforcing "peace and good order" therein "until loyal and republican state governments can be legally established." [1] "Any civil government" which then existed in the states named was declared to be "provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same." For the purpose of enforcing this contemplated "peace and good order" in those states until loyal and republican state governments could be established they were arranged into five military districts, with Mississippi and Arkansas constituting the fourth. It was made the duty of the President to assign to the command of each district "an officer of the army not below the rank of brigadier general and detail a sufficient military force to enable" him "to perform his duty and enforce his authority." For the protection of persons and property and the preservation of the public peace the commanders might "allow local civil tribunals to take jurisdiction of and try offenders," or they might organize "military commissions or tribunals for that purpose." Persons under military arrest were to be tried without unnecessary delay, and cruel and unusual punishment was forbidden. Sentences of military commissions or tribunals which affected the life or liberty of any person were made subject to the approval of the commander of the district, and no penalty of death was to be inflicted unless approved by the President of the United States. The states in their elements of territory, subdivisions and private law relations were left untouched and might be used by the military authorities in carrying out their work.

The system thus created was to remain in force in each of the ten states until five distinct steps had been taken. The first was the formulation in each state of a constitution of

[1] Va., N. C., S. C., Ga., Miss., Ala., La., Fla., Tex. and Ark.

government in conformity in all respects to that of the United States; second, the ratification of that constitution by a majority of the qualified electors voting on ratification; third, the approval by Congress of that constitution after its ratification by the people; fourth, the ratification of the proposed Fourteenth Amendment by the state legislature meeting under the new constitution; and fifth, the ratification of the proposed Fourteenth Amendment by a sufficient number of states to make it a part of the constitution of the United States.[1]

The constitution of government thus required was to be the work of an entirely new political people, created by the Congress of the United States, and quite unknown to the public law of the United States before 1865.[2] All male citizens of whatever race, color, or previous condition, who were at least twenty-one years of age, had resided in the state one year at the time of the election, and were not disfranchised for participation in rebellion or for felony, were qualified to vote for delegates to the convention and for the ratification or rejection of the constitution. This suffrage provision was intended to disfranchise all ex-Confederates of any prominence and to enfranchise the negroes.

This legislation of March 2nd prescribed the conditions on which the state might secure self government, and meanwhile fixed military rule upon the people, but no method of procedure was prescribed for the people to follow in meeting the conditions. That was not provided until the passage of the supplementary act of March 23rd.

[1] McPherson, *Reconstruction.*

[2] Garner, *Reconstruction in Mississippi*, p. 158.

CHAPTER V

Administration of the State Government by the Military

On March 11th the President assigned to the command of the fourth district Brevet Major General E. O. C. Ord, with headquarters at Vicksburg, Mississippi.[1] But before Ord assumed command Congress on March 23rd enacted the first supplementary reconstruction act, prescribing the procedure by which the purposes of the act of March 2nd were to be carried out.[2] This second act added to his duty of preserving the peace and order of society that of supervising the process of political organization. General Ord had made a commendable record in the war and was fitted by training and disposition for the purely military aspects of his problem. Conservative by nature and inexperienced in military government of the kind now proposed, he faced a problem impossible of solution satisfactory to all concerned. The radical majority in Congress expected of him cooperation in carrying out in letter and spirit its policy, while the President of the United States expected him to take a conservative course. Local influences were not less active than were those at Washington. The great body of the white people of the state were unequivocally opposed to the whole plan of congressional reconstruction and naturally suspicious of any agents sent among them to carry it out.

[1] McPherson, *Rebellion*, p. 200. Ord assumed command March 26, 1867; *Report of Sec. of War*, 1867, p. 377.

[2] *Ibid.*, pp. 192-194.

At the same time the local leaders favorable to the congressional policy urged him to extreme radical action. The existence of a well-ordered state government added to the delicacy of his task, for he was directed to use it or "to abolish, modify, control, or supersede the same."

Three days after the passage of the second reconstruction act General Ord issued from his headquarters general orders No. 1, assuming command of the district and stating that competent civil officers in his district were expected to arrest and punish all offenders against the law, "so as to obviate so far as possible the necessity for the exercise of military authority" under the law of March 2nd.[1] On April 6th he issued general orders No. 3, dividing the district into the two sub-districts of Mississippi and Arkansas. Colonel C. H. Smith, of the 28th United States Infantry, was placed in charge of the sub-district of Arkansas, with headquarters at Little Rock.[2] The editors of the *Arkansas Gazette* and the *Daily Republican,* representing the best element in their respective parties, congratulated the people on having General Ord as commander,[3] and the people as a whole showed no disposition to oppose the execution of the laws which he was to carry out.[4] Everything was quiet. The state government was in full operation throughout the state, county and municipal organizations in regular operations, the United States courts in session and United States revenue officers performing their functions, and the people generally at the task of cultivating crops.[5] Conservative leaders endorsed the advice of the Hon. W. P. Grace that

[1] McPherson, *Rebellion,* p. 206.

[2] *Van Buren Press,* April 19, 1867.

[3] *Arkansas Gazette,* April 4 and 9, 1867; *D. Republican,* May 17, 1867.

[4] *An. Cyc.,* 1867, p. 59.

[5] *Ibid.,* p. 48.

the civil authorities should continue to administer the laws "with scrupulous and cautious integrity and prompt and impartial justice to all classes of citizens." It was Grace's opinion that the commanding general would not be inclined to interfere with the civil government unless he was provoked to do so by the failure of the civil authorities to do their duty. As there were bad and designing men who would represent to the commander that justice was not meted out to all men, he advised "that the people everywhere should contest one with the other who shall conduct himself with greater propriety, forgetting and forgiving all past differences and difficulties, and reviving and cultivating all friendships." It was also his conviction that the identity of interests of the negroes and whites should be kept clearly in mind and the good will of the negroes cultivated with that fact in view.[1]

But as the chief hope of the white people was to escape negro suffrage, some of their uncompromising leaders preferred "permanent despotism" to restoration under negro suffrage, which would make the country "a hell on earth, a hideous, horrid pandemonium filled with all the devils of vice, crime, pauperism, corruption, violence, political debauchery, social anarchy."[2] Such was the attitude of the rank and file of the people and such the hope and fear of the leaders during the first weeks of military rule. There was no spirit of defiance, none of lawlessness, none of despair. It took a Republican state convention, the establishment of an official Republican party organ, the organization of that party, and a display of the temper and methods of their leaders to stir the Conservatives to action.

[1] *Van Buren Press*, April 26, 1867, quoting Grace's letter to the *Pine Bluff Dispatch* of March, 25th.

[2] *Daily Republican*, May 10, 1867, quoting Gen. Albert Pike in the *Memphis Appeal*.

On April 2nd, 1867, a convention of Union men met in Little Rock and declared it their duty to point out the manner of reconstruction.[1] They effected an organization admirably adapted to the purpose of influencing the military authorities, and displayed a temper well calculated to alarm the conservative whites. There is no question that the sensibilities of the ex-Confederates were in an inflammable condition and repressed perhaps by cold calculation; but nevertheless they appeared conciliatory until their leaders came to believe that a policy of non-resistence or a resort to peaceful methods would be useless for staying the wave of Republican rule and negro domination.

The most pressing immediate problem before the commander was the determination of the relation between the military and civil authorities, or whether and to what extent he would "abolish, modify, control, or supersede" the civil government. He began in a definite fashion to modify that government in such a way as to make it serve the ends of the military policy. Governor Murphy was found pliable, the legislature was not allowed to meet, and the jurisdiction of the courts was so limited as to reduce them to a mere shadow. From a rather moderate beginning the work was developed under the demands of the radicals to a system of vigorous military rule. However, the regularity and rapidity with which the political reorganization progressed led to a slackening of the military grasp before the end of 1867.

On April 15th Governor Murphy was directed to notify the members of the legislature that their reassembling on July 8th, the date to which they had adjourned on March 23rd, would be incompatible with the recent acts of Congress. The Governor immediately issued an order complying with the directions from military headquarters.[2] The

[1] *Van Buren Press*, April 19, 1867.

[2] *An. Cyc.*, 1867, p. 49.

lines were tightening and, with the rapidly organizing Republican party anxious for the offices in the state, the Conservatives were at a loss as to what course to pursue. There was no unanimity amongst them. The wisest and most consistent editor in their party fully endorsed General Ord's action towards the legislature, because he thought the assembling of that body under the circumstances then existing could do nothing more than add to the expense of the state.[1] But a few weeks later, May 24th, Attorney General Stanbery gave an opinion on the acts of March 2nd and 23rd, which revived the hopes of the Conservative legislators and led them to test the power and purpose of General Ord to prohibit their assembling.[2] On July 8th certain members of the legislature[3] "in order to preserve the peace and avoid unnecessary conflict with the military authority of the government of the United States" inquired of General Smith whether their assembling would be prevented by him, as commander of the state.[4] They based their inquiry on the opinion of the Attorney General of the United States, "declaring that military officers are not authorized to vacate civil offices, except upon trial and conviction of occupant." Disclaiming any intention of raising a conflict with the military, but asserting the importance of completing "much unfinished business materially affecting the interests of citizens and the necessity of keeping the assembly alive by adjournment from day to day", they requested an immediate answer.[5]

[1] *Van Buren Press*, May 3, 1867.

[2] *Report of Attorney General*, vol. xii, pp. 141-168.

[3] John R. Fellows, John R. Eakin, R. C. Newton, F. J. Cameron and B. S. Medlock.

[4] *House Journal*, 1866-1867, appendix, p. 1007.

[5] *Ibid.*, p. 1008.

General Smith replied at once that in the absence of other instructions General Ord's orders would be carried out.

Except for party purposes, Smith's reply should have closed the matter. But upon receipt of that reply the legislators issued a party manifesto in the guise of a protest.[1] Effort was made to get the President to take such steps as would "place this affair in its true and proper shape," [2] but nothing came of it and the legislature passed out of existence.[3] With interference from the legislature removed, the assistant commissioners of the Freedmen's Bureau were the only remaining possible source of friction. To reduce this danger as much as possible these officers were ordered to submit to military headquarters for approval all proposed general orders and circulars issued by them.[4]

Where existing state laws appeared to operate inequitably, or were administered unfairly, or proved obstructive to the policy of the commander, they were modified or set aside by military order. The pensions law enacted by the late legislature was practically abolished by an order of October 7th, prohibiting all state and county officers paying to families of deceased Confederate soldiers any money not allowed on the same terms to families of deceased Union soldiers regardless of color.[5] A month later there appeared an order

[1] *H. Journal*, 1866-1867, pp. 1008-1009.

[2] Johnson Papers, 1867. Undated letter of Augustus H. Garland to A. Johnson.

[3] *An. Cyc.*, 1867, p. 49. Ord's explanation of his course was that he understood that the legislature proposed to sit as a court of impeachment to try two state judges, and he "did not think it would conduce to good order to allow that legislature to take jurisdiction and try the accused, one of whom he believed to be a loyal man, who would be tried mainly for the reason that he had attempted, in his judicial capacity, to protect loyal men from being tried by disloyal men."

[4] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 342, p. 132.

[5] *D. Republican*, October 23, 1867.

forbidding payments of money or scrip to civil officers or others on authority of the decision of the supreme court in the case of Filkins *v.* Hawkins.[1] The relief or poor laws furnished another case wherein the civil authority needed to be controlled by the military. Not satisfied with the way these laws were being administered, the commander admonished all local administratives officers that, as the freedmen paid their share of the taxes, no denial to them of the benefits of the law would be tolerated. Refusal or neglect to provide for colored paupers was to be considered as a dereliction of official duty and in violation of the spirit of the act of Congress, known as the civil rights bill.[2] When county courts failed to provide for the poor, in some cases for the lack of funds and in other cases because of unwillingness to feed at public expense a host of idle negroes who had flocked to counties in which there were army posts, they were directed to carry out the provisions of an antebellum law for the support of that class of citizens. They were further ordered to make suitable provisions for that class by the immediate establishment of alms houses or such other agencies of relief as circumstances might suggest.[3]

As early as April 15th, it was announced that no election would thereafter be held to fill vacancies in the provisional government until a registration of the voters should be made. Subordinate officers of the civil government who by statute law were authorized to appoint to vacancies were directed to notify the commanding general in case of vacancies, and he would make all necessary appointments until

[1] *D. Republican*, November 7, 1867. This decision, which held that "acts of civil officers of the State of Arkansas during the rebellion" were valid, afforded civil officers grounds for demanding compensation for services rendered during that period, and was deemed by the commanding general as hostile to the laws of the United States.

[2] *Ibid.*, September 17, 1867.

[3] *Ibid.*, December 20, 1867.

an election could be held. Local civil officers were ordered to "continue in the performance of their duties until the expiration of their terms" unless otherwise directed, or until their successors should be appointed or elected in conformity with the acts of Congress.[1] It was clear from this that civil officers would be tolerated only so long as they proved convenient for the purposes of the commander, or until the negroes could be enrolled as the electorate of the state.

The governor and the commanding general worked in perfect harmony, the former keeping himself ready at all times to conform to the wishes of the latter. Appointments to vacancies were made with great care,[2] and there is no evidence that the commander interfered in the matter. In fact there were very few vacancies to fill, for the simple reason that state and county officers generally adjusted themselves to the new order and continued to serve until superseded by men elected under the constitution of 1868.[3] The same conservatism marked the commander's policy on removals from office. There were no removals of any consequence until after the work of registering the voters was taken up, and even after that time removals were avoided where such could be done without injury to the work in hand. For the year 1867 there were only fourteen changes in the three hundred and forty-two county officers in the state. These were three clerks, six sheriffs, three judges, one assessor, and one other not designated. The only removal recorded as due to military orders came in October and affected only two counties. In Ashley County the clerk and sheriff, and in Craighead County the sheriff, judge and clerk, were removed.[4]

[1] *Daily Republican*, April 19, 1867; *Van Buren Press*, April 26, 1867.

[2] *Ibid.*, May 27, 1867.

[3] *Report of Sec. of State of Ark.*, 1882, pp. 91-158 *passim*.

[4] *Ibid.*, pp. 91-158 *passim*.

One important removal was clearly due to partisan motives. On April 15th the state treasurer, L. B. Cunningham, was "relieved" on the alleged grounds that he could not take the oath and on information furnished the commander that the treasurer might improperly dispose of the state funds to the injury of the community. When pressed by Cunningham for "the information" and the names of his informers, Ord declined to comply, but added: "I have neither heard of, nor found in my partial examination of the books and papers of your office anything that was to your disparagement."[1] As Cunningham was bonded in the sum of six hundred thousand dollars approved by Governor Murphy, it is fair to conclude that he was relieved on the information of those anxious to make smooth the way to whatever funds there might be in the treasury for the use of those who were to make the first steps in reconstruction under the new order.

On July 29th the commanding general announced that Congress had provided for the removal of "all officers who in any manner thwart or obstruct the execution of" the laws of March 2nd and 23rd, and notified "all state and municipal officers of whatever kind or degree that any attempt to render nugatory the action of Congress" in trying to provide better government for the states lately in rebellion "by speeches or demonstrations at public meetings" would be deemed good and sufficient reason for their summary removal.[2] This order cleared the way for the elimination of any officer who might make himself obnoxious to the radicals in the course of reinaugurating a state government. But, as we have noted, few officers were forced out. This must be attributed to the conservatism of General Ord.

[1] Johnson Papers, Sept. 3, 1867; *An. Cyc.*, 1867, p. 51.

[2] *Daily Republican*, Aug. 7, 1867; *Van Buren Press*, Aug. 30, 1867; *An. Cyc.*, 1867, p. 51.

When he showed no disposition to make vacancies by wholesale, the radical republicans denounced him in good round terms and demanded his removal. "The replacing of General Ord," said the editor of the *Ft. Smith New Era*, "by a straightforward republican, or a conservative even, like Schofield or Sickles, disposed to carry out the spirit of the laws as made by Congress, would be hailed by every republican with delight."[1] His moderation, however, made him no support among the Democrats. While expressing great satisfaction at the fact that the commanding general and his subordinates followed their own judgment instead of that of the "half-dozen hungry devils in each county selected by the radicals to fatten upon the United States government during this process of reconstruction," they withheld from him all positive support. "Arkansas is fortunate in her commander," said John S. Dunham, "but it is very plain that he did not consult southern men in his appointments."[2]

The civil authorities in the exercise of the limited functions left them met very little interference from the military. The governor was in such complete accord with the commander's policy that he took no important steps which had a tendency to conflict with that authority. When citizens of Little River County asked to be attached to the sixth judicial circuit, the governor referred the matter to the general and later was authorized to issue whatever proclamation might be necessary to accomplish that end.[3] There was a marked shrinkage in the activities of the state government after June 1st,[4] but it kept regularly in operation and at times was of considerable value to the military power.[5]

[1] *Van Buren Press*, Aug. 9, 1867, quoting the *New Era* of July 31st.

[2] *Van Buren Press*, July 5 and August 9, 1867.

[3] Communications in Arkansas Manuscripts, Oct. 14 and 27, 1867.

[4] *Daily Republican*, November 14, 1867.

[5] *Van Buren Press*, Nov. 17, 1867.

The anxiety of the commanding general to protect the state judges against impeachment at the hands of the legislature was in no degree due to a feeling that the judiciary should not be interfered with. In fact, the state courts received very little attention, except to feel the weight of military authority. They were greatly affected by an order of September 6th, providing that, whenever any person arraigned in a state court should produce the affidavits of two credible witnesses that the defendant had been in the federal military service, or loyally adhered to the Union cause, withholding as far as possible all aid and comfort from the Confederates and make oath that for these reasons he feared he would not receive a fair and impartial trial, the court should not proceed to try the case, but forward the affidavits to military headquarters. Along with the affidavits the district attorneys were to transmit copies of the indictment, together with the names and residences of the witnesses and the testimony which might be obtained, "with a view to trial by military commission."[1] As this order covered all cases of indictment for criminal offenses, it relieved the courts of a great part of their jurisdiction.

A month later, October 7th, in circular No. 18, it was ordered that all criminal cases between "white and colored persons involving loss of life or assault with intent to kill" should be reported to sub-district headquarters at Little Rock for trial by military commission. Magistrates, constables, and sheriffs were ordered to continue to issue warrants and make arrests, but all persons arrested for offenses of the class named were to be turned over to the nearest military posts or held by the arresting officer until the case could be reported and instruction received. Army officers and agents of the Freedmen's Bureau were charged with reporting any

[1] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 242, p. 136; *An. Cyc.*, 1867, p. 53; *D. Republican*, September 17, 1867.

violations of this order; and any civil officer who should fail to issue a warrant or make arrest, or impose any sentence not in accordance with the laws of the land was to be held to strict accountability.[1] As early as May all cases for horse stealing were ordered tried by military commissions.[2]

The possibility of injustice in military trials caused men of both parties to denounce the system. Even the radicals saw the danger ahead, and called attention to the possible evils in any trial which might easily be "caused by the spite of a negro against his old master."[3] The cost and tediousness of these trials, together with the fact that they were usually held quite a distance from the home of the accused, were especially annoying to the people.[4] However, the number of such trials was not large and but few of them grew out of complaints of freedmen.[5] Of the trials reported, seven were for horse stealing, seven for assault, one each for murder, theft, and insulting the United States flag. Granting that the trials were fair and the evidence conclusive, the verdicts rendered in these cases were quite just. In the two cases where, under a misguided notion of loyalty, the trial commission was most likely to deny justice to the accused, one a charge of assault upon a registrar and the other a charge of insulting the United States flag, the verdict was "not guilty."

[1] *Daily Republican*, October 12, 1867; *Van Buren Press*, October 18, 1867.

[2] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 342, p. 133; *Daily Republican*, May 24, 1867.

[3] *Daily Republican*, June 24, 1867.

[4] *Van Buren Press*, June 26, 1868.

[5] These trials are found in unbound copies of the General and Special Orders and Circulars of the 4th military district for 1867 and 1868, printed at Vicksburg, and now in the New York City Public Library.

At no time nor on any question did the state courts exercise perfect freedom. When a judge ventured to ignore the Civil Rights law by refusing to admit the testimony of colored persons the military authority fell on him with promptness.[1] Their civil jurisdiction was greatly limited. On June 12th, all legal proceeding "for the sale of lands under cultivation, or of the crops, stock, farming utensils, or other material used in tilling such lands, in pursuance of any executions, writ or order of sale issued in cases where the debt or cause of civil action accrued prior to the first day of January, 1866," were suspended until after December 30th, 1867. For the adjustment of suits arising from claims upon crops of 1867, where the laborer was a party, boards of arbitration were instituted, composed of three persons, two of whom were appointed by the parties interested and a third by the two thus chosen.[2] The decisions of these boards were final, and all officers, civil and military, were ordered to enforce them. Early in December violations of market hours for the sale of country produce were made triable by military commission.[3]

The rigor of military rule was mollified somewhat by an order, issued December 12th, requiring that a citizen, when arrested by the military authorites, be furnished with a copy of the charges against him. However, the charges in the case were to remain subject "to such modification as the facts in each case" might seem to demand.[4] Very early in the course of miltary government the question of the authority of United States courts in certain cases demanded attention, and on June 12th the commanding general issued a

[1] *Debates and Proceedings of Arkansas Constitutional Convention of 1868*, p. 651.

[2] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 342, p. 151.

[3] McPherson, *Reconstruction*, p. 322.

[4] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 342, p. 142.

circular forbidding any interference with writs, processes, or proceedings of United States courts in specified cases.[1] In the order of December 12th all military officers in the state were directed to obey and respect any *writ of habeas corpus* when issued by a United States court. This resulted from Ould's case, in which United States Circuit Judge H. C. Caldwell, practically set aside the verdict of a military commission.[2] From that time to the end of military rule there was little danger in military trials. The work of registration being completed and the process of political reorganization having advanced to the point of the assembling of the constitutional convention, the work of restoring the civil courts made rapid progress. On January 9th, 1868, jurisdiction "in all ordinary cases of horse stealing" was restored to the civil tribunals.[3] Three weeks later all cases "arising from settlements of crops, and generally the relations of debtors and creditors or civil suitors" except such cases as acts of Congress specially committed to the Freedmen's Bureau, were restored to the civil courts.

[1] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 342, p. 134.

[2] *Daily Republican*, December 17, 1867. In November John T. Ould was convicted by a military commission of beating a negro employee, and sentenced to imprisonment in the state penitentiary at Little Rock. While on trial he filed a petition with Judge Caldwell of the U. S. Circuit court for a writ of habeas corpus. The writ was issued. Gen. C. H. Smith, on whom it was served, returned it endorsed to the effect that the prisoner was then on trial by order of Gen. Ord, his military superior, and refused to deliver the prisoner to any person without orders from military headquarters. On motion of Ould's counsel the court ordered Smith to show cause why an attachment should not issue against him for contempt in not obeying the court's order. On that day Smith appeared, produced the prisoner, amended his return to the writ to the effect that the prisoner was in his custody by authority of the laws of the United States, and asked that the prisoner be remanded to his custody. By consent of both parties the case was postponed to the next term of court and Ould was admitted to bail.

[3] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 342, p. 157.

[4] *Ibid.*, p. 158.

With the jurisdiction of the courts destroyed, the legislature out of existence, and the laws modified to suit military conveniences, the commanding general was free to make regulations and use civil and military officers after whatever fashion he considered necessary to preserve peace and order and secure justice to all. The freedmen were objects of special solicitude. Assistant commissioners of the Freedmen's Bureau were ordered to issue no "general order or circular intended for the preservation or security of life or property or for the government of freedmen" without first having submitted "a draft of the same" for approval at military headquarters.[1] The freedmen were admonished that the most important duty before them was to provide "by their own labor for the support of themselves and families." They were urged that as they had a "common interest in the general prosperity" each should keep his contracts and not neglect his business to engage in political discussions.[2] As an inducement for them to remain quietly at their work they were promised that when the time came for enrolling their names as voters the commanding general would "send them word through proper United States or county officers and send the book to places near their homes." They were warned that only those residing in towns would be registered or allowed to vote there. As further encouragement to the negroes to remain at their work an order was issued June 12th, to secure to labor "its hire or just share of the crops" by staying till after December 30th, 1867, all proceedings for the sale of lands under cultivation, or crops, stock, farming utensils, or other material used in tilling such lands, in pursuance of any execution, writ, or order of sale, issued to satisfy debts contracted prior to January 1st, 1866.[3]

[1] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 342, p. 132.

[2] *Van Buren Press*, June 21, 1867.

[3] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 342, p. 133.

In an order issued August 13th, the general commanding made appeal to "all gentlemen engaged in planting to aid him in bringing into general contempt all persons whose treatment of their hands reflects discredit upon their class" and ordered an investigation of reports that freedmen were being defrauded or mistreated, with a view to trying offenders by military commission.[1]

All officials concerned with the administration of the poor laws were reminded that the freedmen paid their part of the taxes and any refusal or neglect to provide properly for colored paupers would be treated as a dereliction of official duty and a violation of the spirit of the civil rights bill.[2] When it became necessary to call for the aid of the *posse comitatus* peace officers were advised that it be composed of freed persons when the individual to be arrested was colored.[3] In all cases General Ord showed a disposition to start the negroes upon a sane and peaceful course, and in all probability would have succeeded if it had not been for the party necessity of using them in politics.[4] When the time arrived for making contracts for 1868 the freedmen were notified that they were expected to earn their own support and advised to go to work on the best terms they could make. The able bodied among them were warned that failure to work when reasonable terms could be had would lay them liable to punishment as vagrants.[5] Bureau agents, civil and military officials, and "gentlemen engaged in planting" were held to strict accountability for seeing that the laws, orders, and regulations concerning freedmen were faithfully executed. The worst that can be said of

[1] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 342, p. 135.

[2] *Ibid.*, p. 136.

[3] *Ibid.*, p. 151.

[4] *Van Buren Press*, June 21, 1867.

[5] *Ibid.*, January 3, 1868; *An. Cyc.*, 1867, p. 56.

the system is that is neglected the whites and squandered its energies in trying to force the negro into a place in the economic and political system for which he required a longer period of training.

Under the circumstances then existing the preservation of the peace was a difficult problem. Though a majority of the white people were at that time disposed to keep the peace, there were individuals who could not be restrained. Where an unpopular Bureau agent established headquarters and a large number of freedmen gathered, trouble was sure to come. In isolated cases the civil authorities were unable to quell disturbances, and the commanding general frankly admitted that he could not punish the desperate characters in one locality.[1] On September 10th, an order was issued requiring all persons who had voluntarily exiled themselves from the state after the ninth day of May, 1865, and had since resumed residence therein to report their names and residences, preparatory to having administered to them the parole oath which had been required of Confederate soldiers at the time of their surrender.[2] This requirement appeared to the white people as one more step toward fastening negro domination on the state. Bureau agents in the administration of freedmen's affairs often irritated the whites and led them to believe that the peace and justice of military rule were designed for freedmen only. While civil officers were held to their official duties, and urged to great activity, they were subordinated to the military in such a degree as to reduce them to mere figureheads.[3] Orders and circulars, interspersed with modifications, came in such constant stream as to make definiteness and consistency of policy impossible. On September 9th "the assembling of armed or-

[1] *Daily Republican*, April 23, 1867.

[2] *Ibid.*, September 17, 1867.

[3] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 342, p. 133.

ganizations or bodies of citizens under any pretext whatever" was prohibited in the interest of "peace and quiet."[1] Early in December the carrying of concealed weapons was forbidden under threat of severe penalty and trial of offenders by military commission.[2] When the time for the Christmas jollification approached "sheriffs, deputy-sheriffs, and other peace officers" were requested to have in readiness "the posse comitatus to arrest, disarm and confine offenders against the peace and good order of the community." Agents of the Bureau and military commanders were directed "to aid and cooperate with the civil authorities in preserving order" and suppressing vagrancy and crime.[3] To the same end civil authorities were promised a free hand and authorized to call on General Smith for military aid in case they found themselves unable to perform their duties.

Municipal authorities gave hearty cooperation in preserving the peace. When the mayor of Little Rock was notified that the commanding general had reason to believe that "disturbances were contemplated by parties within the city limits" and requested to institute measures to prevent such,[4] that dignitary pressed his council into immediate action.[5] He then issued a proclamation calling upon all good citizens to act as conservators of the peace, and declared his intention of arresting the lawless and increasing the police force. The apprehended riots did not occur. The affairs of the city went on in their normal course until General Ord was succeeded by General Gillem. The mayor and aldermen were giving the city a sane and economical government, when on Feb-

[1] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 342, p. 137.

[2] *Ibid.*, p. 141.

[3] *Ibid.*, p. 151.

[4] *Daily Republican*, May 28, 1867.

[5] *Ibid.*, June 5, 1867.

ruary 12th, 1868, they were notified by John Wassel that he and eight other men had been commissioned by the commanding general as mayor and aldermen of the city. After a protest against such action by the military, Mayor Hopkins concluded that he and his associates were "pleased, however, to recognize the only semblance of right" claimed by Wassel, a right "whose virtues are included in mere physical force."[1] The constitutional convention was then within a day of its adjournment and party interests demanded that the city government be turned over to avowed friends of the constitution ready to be placed before the people.[2]

In some cases the authorities of the small towns and of the counties appealed to the commander for orders or troops which they deemed necessary to the peace of the community.[3] On leaving the district General Ord stated that there had recently appeared an indisposition on the part of the civil officers to take action in cases of aggravated offenses against freedmen and that the ignorant and lawless had been restrained by troops distributed over the state.[4] Throughout the winter and spring of 1868 cases of lawlessness and murder were zealously reported by the *Daily Republican*, but the facts suggest that most of these reports were designed for party purposes. On May 16th, 1868, this same organ reported that at a late term of the circuit court, in a section of the state where the negro population was very large, the grand jury had not found a single indictment. Judging from a report of the warden of the state penitentiary to Gov-

[1] *An. Cyc.*, 1868, p. 37.

[2] The new city officers were: John Wassel, Mayor; John Donohue, R. A. Edgerton, Albert Adams, H. T. Gibb, Rufus S. Sayward, J. G. Botsford, George R. Weeks and R. L. Dodge, aldermen.

[3] *Van Buren Press*, June 28, 1867; *An. Cyc.*, 1867, p. 55.

[4] *Daily Republican*, January 11, 1868.

ernor Murphy, March 19th, 1868, Arkansas had been for some time remarkably free from serious crime.[1] An earlier statement from the same institution confirms this conclusion.[2] On the whole the military authorities succeeded in administering a most distasteful system in such a way as not to increase perceptibly the spirit and amount of lawlessness.

To preserve the public health, an order was issued on May 1st, 1867, forbidding non-resident persons congregating in towns and villages and ordering them to remain at their homes or places of business. At places where there was an army post or a Bureau agency weekly inspections were to be made by medical officers, who were directed to take special notice of cleanliness and overcrowding in rooms where refugees and freedmen were housed. Should such evils be found they were to be remedied by policing the establishment and by the erection of additional camps for the surplus inhabitants. In each principal town was to be established, when necessary, a hospital under the superintendency of a private contract physician, who was in turn subordinate to the surgeon-in-chief of the Freedmen's Bureau. Boards of health and county officers were to cooperate with the inspecting or commanding officer "by furnishing information and making suggestions," while the military commanders and assistant commissioners were responsible for the execution of the work.[3]

Early in May, 1867, the *Arkansas Gazette* expressed fear that the activities of the Republican politicians among the

[1] Ark. Manuscripts, March 19, 1868. J. L. Hodges reported only twelve convicts on hand, one serving a sentence of two years, and eleven serving sentences of one year each.

[2] *Daily Republican*, July 2, 1867.

[3] *Van Buren Press*, May 24, 1867; *Daily Republican*, July 30, 1867. Hospitals or asylums were established by July 30th, at Little Rock, Pine Bluff, Helena, Camden, Washington and Ft. Smith.

freedmen would interfere with the cultivation of crops. To this the *Daily Republican* replied: "The people demand light. They want crops and reconstruction. The two go together." The editor of this paper welcomed senators and representatives fresh from the halls of Congress to enlighten the people on the great consummation.[1] The fruit of this policy was destitution among the freedmen and petitions to the commanding general for "material relief." These petitions came in such numbers that the general announced that, as he was not authorized to grant "material aid," they would do well to petition prominent members in Congress, "fully setting forth the actual condition of the people."[2] While responsibility for relieving the destitute was left to the Freedmen's Bureau and private enterprise it continued throughout to embarrass the military authorities in their immediate problems.

The press received careful attention at the hands of the military. The strongest newspapers in the state depended in a large measure on the state printing for their support, and since the Republicans were launching party organs it became necessary that they lay hands on this valuable asset. This was accomplished by indirection. On May 23rd, Ord directed General Page, the recently appointed treasurer of the state, to inform the state printers that no further payments for public printing would be allowed while the state funds were in his control.[3] While ostensibly designed to prevent the printing of the journals of the late legislature, the real purpose was to secure this source of revenue for the party organs then being set up. Shortly thereafter the *Daily Republican* was designated as "the official journal for

[1] *Daily Republican*, May 11, 1867.

[2] General and special orders and circulars, 4th Military District, 1867-1868 Vicksburg.

[3] *Daily Republican*, May 23, 1867; *Van Buren Press*, May 31, 1867.

the state, in which will appear all advertisements published by authority." [1] From that time the conservative press, hard pressed for existence, indulged freely in criticisms of the whole military regime, while there sprang up over the state a number of Republican organs for defense of the system. The attitude of the military toward the opposition papers remained in doubt until it was forced to take a stand in connection with the case of the *Constitutional Eagle,* published at Camden. When that paper presumed to criticise the conduct of the soldiers stationed at that post, Captain George S. Pierce proceeded to chastise it on the grounds that it " unnecessarily exasperated the soldiers." On August 8th, he and a number of soldiers " carried off and destroyed the materials of the office " of that paper. When the mayor of the city protested to Colonel C. C. Gilbert, post commander, that worthy endorsed the action of the soldiers. In his report to General Ord, Gilbert acknowledged the right of the press to censure the servants of the people, but claimed that the military force stationed there were the masters rather than the servants of the people. He considered it a " great piece of impertinence for a newspaper in this state to comment upon the military under any circumstances whatever." [2] General Ord replied that the " military forces were servants of the laws and the laws for the benefit of the people; that the troops had been placed in Arkansas to enforce the laws and not to violate them to gratify private revenge; " that it was intolerable to assume that a party of soldiers at their own option could destroy a person's property and violate the peace; and that the district commander had in no case failed to protect " officers and soldiers under his command from outrage, when engaged in their legitimate duties." [3] By direction of General Ord,

[1] *Daily Republican,* July 22, 1867.

[2] *An. Cyc.,* 1867, p. 51.

[3] *Ibid.,* p. 52.

Captain Pierce was tried by court martial, assembled at Camden, which found him guilty of maliciously destroying and causing to be restroyed certain specified property of the *Constitutional Eagle* and of conduct to the prejudice of military discipline and sentence to pay $1,000 damages, forfeit his pay for one year, and be degraded in rank below the fifty captains next him. This verdict was approved by the commanding general, with the remark that " newspaper comments usually are resented only in proportion to their fidelity to the facts." [1] After the settlement of this case, editors of conservative papers experienced no serious interference from the military.

An examination of the leading party organs of that period will convince the unbiased mind that, aside from its partisan monopoly of the public printing, the military pursued an indulgent policy towards the opposition press and that the editors opposed to the policy of Congress showed wonderful skill in restraining themselves within the limits of the law.

State revenue received due attention from the military commanders. One of Ord's earliest acts was to suspend State Treasurer L. B. Cunningham and appoint in his place Colonel Henry Page, on the ground that Cunningham could not qualify under the third section of the proposed Fourteenth Amendment.[2] Page was directed to take charge of the " bonds, books, papers &c, pertaining to " the office of treasurer; to make all reports, returns and monthly statements of receipts and expenditures directly to headquarters; to pay all warrants due for salaries, all legitimate accounts of the asylum, the penitentiary, and the provisional government, but to issue no scrip or warrants for any outstanding debt, unless specifically authorized from military head-

[1] *Daily Republican*, October 21, 1867.

[2] *An. Cyc.*, 1867, p. 49.

quarters. He was further directed to deposit all funds collected as if they were funds of the United States.[1]

Page assumed the duties of the office on April 25th, 1867, and served throughout the period of military rule. On entering office he found on hand to the account of the general revenue fund $17,418.20 in United States currency, $3,633.85 in auditor's warrants, and $51,323.15 in Treasurer's warrants.[2] In addition to this there was on hand to the credit of special funds $5,048.15. There came immediately into the treasury a considerable additional sum; and on May 21st, Ord directed Page to telegraph the United States Treasurer that he had two hundred thousand dollars to invest in United States bonds.[3] Page replied that steps were being taken to garnishee about one hundred twenty-six thousand dollars of the funds in the treasury to cover the amount seized by the Confederates in 1861 and that only one hundred thousand could be spared for the investment suggested.[4] Ord yielded on that point, and the investment of one hundred thousand dollars was made.

The finances of the state had been honestly administered during Murphy's administration and were in sound condition on April 25th.[5] The revenue laws in force were those enacted by the Democratic legislature in the early part of

[1] *Senate Docs.*, 40th Cong., 1st Sess., no. 14, p. 139.

[2] *Report of the State Department Officers*, 1868, p. 51.

[3] *Debates and Proceedings of Constitutional Convention*, 1868, p. 81.

[4] *Ibid.*, p. 82.

[5] *Senate Journal*, 1866-1867, pp. 38-39; *Gazette*, September 10, 1870; *Van Buren Press*, March 28, 1871; *Daily Republican*, April 12, 1867. The Republican platform of April 3, 1867, in its denunciation of the ante-bellum politicians said: "The brief respite enjoyed by the people of the state from the despotic control of these political vampires, who fled the state in 1863 to escape a just punishment for their crimes, had enabled a loyal provisional government by an honest and economical administration to accumulate in the treasury of the state over $150,000 in cash."

1867. However, as military government was inaugurated before the collections for 1867 had been completed, the people showed a disposition not to pay taxes for that year. The treasurer reported for the quarter ending October 1st, 1867, receipts $8,309.80, expenditures on account of the state government, including repairs on the State House, $57,879.81, and balance on hand $204,820.40.[1] This situation led General Ord to direct State Auditor W. R. Miller to inform collectors for 1867 that they would be required to make collections and settlements according to the laws of the state and within the time limit prescribed, or "be immediately proceeded against in the state courts or military commission."[2]

On January 13th, 1868, in response to a call by the constitutional convention for "an accurate report of the assets of the State," State Treasurer Page issued a financial statement.[3] On receipt of this statement the radicals in the

[1] *Daily Republican*, October 1, 1867; August 31, 1867. The repairs of the State House amounted to only $10,000.

[2] *Ibid.*, December 13, 1867.

[3] *Debates and Proceedings of the Arkansas Constitutional Convention*, 1868, p. 80.

1868

Jan. 13th, cash on hand due county clerks		$143.00
" " " " " "	Saline Fund	76.14
" " " " " "	L. R. Swamp Land Fund	71.41
" " " " " "	Batesville Swamp Land Fund	17.33
" " " " " "	Internal Improvement Fund	324.06
" " " " " "	General Swamp Land	46.14
" " " " " "	Counties	1,849.40
" " " " " "	General Revenue U. S. C.	62,726.29
" "	certificate of deposit of Barnes & Bros., protested May 14, 1867, received as cash	2,000.00
		$67,223.77
" "	10–40 U. S. Bonds, deposited with F. E. Spinner	99,997.50
		$167,221.27

convention began formulating plans whereby they might relieve their immediate necessities without waiting for taxes to be collected.[1] An ordinance, passed January 18th, to "appropriate out of the treasury the sum of seventy-five thousand dollars for the purpose of paying the per diem and mileage of delegates, and such other expenses as may be necessarily incurred" under the act of Congress, passed March 2nd, 1867.[2] Treasurer Page telegraphed headquarters that the convention had passed such an ordinance and that compliance with it would require the sale of the United States bonds on deposit.[3] He was advised immediately to make no payments until the commanding general could decide the matter when all the resolutions and papers were before him.[4] That being too slow a process for the reconstructers, they sent a special messenger, the Honorable Asa Hodges, to headquarters to press the matter.[5] In the meantime they had passed an ordinance to pay all the expenses of the convention from the treasury. Hodges proceeded to Vicksburg, and on February 3rd it was announced in convention that he was making progress on his mission.[6] But before that report reached the convention the commanding general instructed Page to pay accounts on mileage and per diem to the amount of $50,000 from funds obtained by the sale of the United States bonds deposited at Washington.[7]

It appears that the amount drawn directly from the

[1] *Debates and Proceedings*, p. 273. This charge was made in open convention.

[2] *Ibid.*, p. 175.

[3] *Ibid.*, p. 231.

[4] *Ibid.*, p. 231.

[5] *Ibid.*, p. 319.

[6] *Ibid.*, p. 475.

[7] *Ibid.*, p. 686.

treasury for the benefit of the constitutional convention was limited to this $50,000 though it had to meet convention warrants in excess of that amount. The report of the treasurer, June 2nd, 1868, just one month before Powell Clayton was inaugurated governor under the reconstruction constitution, presents a rather sound condition.[1]

[1] *Report of State Department*, 1868, p. 51. Statement of receipts and expenditures on account of general revenue, April 25, 1867 to July 2, 1868.

CHAPTER VI

Political Reconstruction

The political reconstruction of the state was begun by the registration of all qualified voters. For convenience in this work the state was divided into eleven districts of five or six counties each. Each county was placed under a board of three registrars, consisting of two army officers and one "respectable citizen."

The first board appointed was that for Pulaski County, May 4th,[1] followed by the appointment for Phillips County on May 16th.[2] On the 17th of May General Ord arrived at Little Rock to push forward the appointment of boards for the whole state, and three days later held a meeting of the officers of the sub-districts to get the work started.[3]

Before any registrars had been appointed, a convention of radical Unionists assembled in Little Rock, began the formation of a regular Republican party, and took steps to have appointments made with this party's welfare in view. That convention, on April 3rd, announced the propriety of their indicating the manner of reconstruction and appointed a committee to remain permanently at Little Rock to furnish General Ord with information and to suggest for his consideration men qualified to be registrars.[4] On the 25th, by

[1] *Senate Docs.*, 40th Cong., 1st Sess., no. 14, p. 157. The members for Pulaski were W. B. Oliver, W. A. Cantrell, A. H. Ryan.

[2] *Ibid.*, p. 171. The members for Phillips were David Benton, Jasper Infrey, F. L. Burke.

[3] *Daily Republican*, May 20, 1867.

[4] *Gazette*, April 9, 1867.

special orders number 47, General Ord created a board of officers to meet at Little Rock from day to day to examine all applications for positions as registrars.[1] The members of this board were by correspondence with Union men throughout the state to "obtain all reliable data possible" and recommend applicants to military headquarters. In order that none but loyal men might be appointed, the board was required to give its reasons for each recommendation.

From Little Rock the commanding general made a tour of the southern part of the state for the purpose of making appointments in that quarter, while other army and Bureau officers canvassed other sections of the state for the same purpose.[2] The oath required of registrars, together with the social stigma which attached to one who might serve the "invaders," excluded most of the capable southern white men from the boards, while professional and business considerations led some of the qualified loyal men to decline appointments.[3] As time passed it became more and more difficult to secure the services of "respectable" citizens, and consequently many of the boards were of inferior quality.[4] The scarcity of loyal men, according to General Ord, made "a system of colored or white challengers utterly imprac-

[1] *Sen. Docs.*, 40th Cong., 1st Sess., no. 14, p. 184. This board consisted of C. H. Smith, Henry Page and S. M. Mills.

[2] *Daily Republican*, May 24, 1867. Gen. Delancy Floyd-Jones, commanding at Ft. Smith, was to canvass Sebastian, Scott, Crawford and Franklin counties; Maj. Andrews, commanding at Batesville, Fulton, Izard, Independence, Jackson, Lawrence and Randolph; Maj. Morris, commanding at Pine Bluff, Arkansas, Jefferson and Desha; Capt. Latimer, sent from Little Rock, Washington, Carroll, Marion, Madison and Benton; Lieut. S. C. Vedder, sent from Little Rock, Johnson, Yell, Pope, Perry, Conway and Van Buren; Lieut. C. B. Hall, sent from Little Rock, Crittenden, Mississippi, St. Francis, Cross, Poinsett, Craighead, Green and White; Mr. McCullogh, agent of the Freedmen's Bureau at De Valls Bluff, Woodruff, White and Monroe.

[3] *Daily Republican*, May 18 and 20, 1867.

[4] *Sen. Docs.*, 40th Cong., 1st Sess., no. 14, p. 158.

ticable" in his district.[1] It was fully July 1st before registrars were appointed throughout the state.[2] About the same time for purposes of supervising registration the state was divided into seven districts with a supervisor for each.[3] As actually assigned the districts were too extensive for adequate supervision. Very limited means of travel and communication increased the difficulties of the problem.

The instructions given the first registration board required that they forward to military headquarters a properly attested oath of office for each member; that they divide their county into precincts convenient for the voters; that they visit each precinct, after a five-days notice, and remain there until all qualified voters should have an opportunity to register; and that they furnish each registered voter a numbered certificate of registry.[4] They were instructed that every male citizen of the United States, twenty-one years of age, resident within the state for one year prior to enrollment, and not disfranchised by act of Congress or for felony, would be entitled to registry upon taking the prescribed oath. Until the opinion of the attorney-general could be had on the disfranchising clauses of the law they were to give the "strictest interpretation to the law" and refuse to register any person whose qualifications were doubtful, but each person so rejected was to be promised an opportunity to register later, if found to be quali-

[1] *Sen. Docs.*, 40th Cong., 1st Sess., no. 14, p. 141.

[2] *Ibid.*, p. 144.

[3] *Daily Republican*, July 2, 1867, gives list of supervisors.

[4] *Sen. Docs.*, 40th Cong., 1st and Special Sess., no. 14, p. 158. "We, the undersigned, registrars for ———— county, State of ————, certify that ———— has this day been by us found qualified and is registered as a legal voter in said State, under the 1st section of the act of Congress supplementary to an 'Act to provide for the more efficient government of the rebel States.' Said ———— is registered and will vote in ——— precinct of the said ———— county."

fied under the attorney-general's opinion.[1] Only the Pulaski County board had been appointed when, May 13th, further instructions were issued.[2] Each board was now directed to announce its authority and give the people ample notice of when registration would begin. If registrars should think proper to change existing precincts, that fact should be reported to headquarters. They were advised to begin in the remoter precincts and work toward the county seat, in order to allow delayed registration.

Registration began before the end of May, but for various reasons advanced slowly.[3] The political leaders were more interested in organizing their respective party forces than in getting names on the registration books. The negroes were so ignorant or indifferent that their white leaders could not get them to register early, and in many cases where they showed a willingness to register they were deterred by the influence of the whites. At that early stage of the process the Conservative leaders had not determined a party course with sufficient definiteness to encourage their followers to register. Moreover, crops were to be cultivated, the Union League and the Ku Klux organizations to be directed, and the spring overflows to be guarded against. The question of eligibility to registration baffled all the authorities from the President down to the humblest registrar.

Commanders in the military districts appealed to the President for specific instructions on eligibility for registra-

[1] Registration was to be denied those who as office holders under the general government had taken an oath of allegiance to the United States and had later engaged in or had given aid or comfort to rebellion or secession, and those who had held an executive or judicial office under the state government and had later engaged in or voluntarily aided rebellion or secession. Until the attorney-general's opinion could be had as to what persons were excluded, they were to exercise no discretion, but proceed " with the most rigid interpretation of the law."

[2] *An. Cyc.*, 1867, p. 49.

[3] *Daily Republican*, May 28, 1867.

tion, and the President turned to the attorney-general for an opinion on the acts under which registration was to be made.[1] On the basis of the opinion given, May 24th, 1867,[2] President Johnson issued instructions to the commanders, June 10th.[3] On the same day General Ord issued final instructions to the registrars in Arkansas. These forbade any charges for registering names, required that each registered voter subscribe to the oath printed at the top of the registration sheet, and directed the enrollment of all persons who should take and subscribe that oath. In case of doubt as to the qualifications of an applicant his name was to be enrolled and marked "reported for investigation." Cases reported for investigation, together with all the facts and evidence bearing on them, were to be reported to headquarters and to the inspector for the county. Certain classes of officials who had served under the regime of the Confederacy were now designated as clearly excluded.[4] To afford an opportunity for registering to those who had been unable to apply, or had been rejected under previous instructions, each board was directed to hold in an accessible place in each county a two days session.[5]

These instructions were reported to General Grant, who returned an emphatic dissent to that part which directed registrars to enroll the names without investigating the qualifications of applicants.[6] However, the work proceeded

[1] *Sen. Docs.*, 40th Cong., 1st Sess., no. 14, p. 15.

[2] *Reports of Attorney-General*, vol. xii, pp. 141-168.

[3] Richardson, *Message and Papers of the President*, vol. vi, p. 552.

[4] These were governors, secretaries of state, auditors, state treasurers, attorney-generals, judges of supreme court, judges of high court of appeals, chancellors, circuit judges, county judges or justices of county courts, sheriffs, coroners, adjutant-generals and quarter-masters-general who had actually exercised the duties of the office and drawn the salaries therefor, and mayors who had exercised judicial functions.

[5] *An. Cyc.*, 1867, p. 50.

[6] *Sen. Docs.*, 40th Cong., 1st Sess., no. 14, p. 143.

under the instructions until Congress, by the act of July 19th, made it the duty of registrars to decide the question of qualification and to construe the phrase "executive and judicial office in any state" as meaning "all civil officers created by law for the administration of any general law of a state, or for the administration of justice."[1] On August 6th boards were instructed to "continue and complete the work assigned" to them, but to exercise, in compliance with the act of July 19th, "a still closer scrutiny as to the qualification of applicants." After each precinct had been visited once and the date for the election had been announced, each board was to meet at the county seat, or other more convenient locality, fourteen days before the day of election and hold a five days' session for revising their lists. At that meeting they were to add or erase names, as the results of their investigation might warrant.[2]

After the first few weeks the board worked with more diligence. They were directed not to let the absence of two members of the board interfere with their progress.[3] The military forces in the state were stationed in reach of those places where disturbances were most likely to occur, and supervisors were authorized to call on the nearest post for a military escort for any board that should need it.[4]

[1] McPherson, *Reconstruction*, p. 335.

[2] *An. Cyc.*, 1867, p. 52.

[3] Circular no. 8.

[4] *Report of Secretary of War*, 1867, p. 377. In June, 1867, the forces in Arkansas were as follows:

Battery G, 5th artillery	Little Rock
Company G, 19th infantry	Dover
" B, " "	Monticello
" C, " "	Madison
" K, " "	Washington
" A&H, " "	Ft. Smith
" E, " "	Dover
" D, " "	Fayettville
" I, " "	Burrowville

These escorts, however, were limited to one sergeant and four men each. In case of serious difficulty boards might call directly on the nearest post, which would supply whatever force circumstances might require. Officers in Desha and Chicot counties were to make applications for troops directly to headquarters at Vicksburg.[1] Civil and military officers were required to give registrars all the protection in their power.[2] When it was reported that many negroes were being told that registration was for the purpose of enrolling them for taxation and military service, Bureau agents were ordered to visit every important plantation in their reach and instruct the freedmen that the object of registering them was "simply to enable them to share equally with white men the privilege of choosing who shall hold office."[3] When it was reported that sheriffs or their deputies were accompanying the registrars in order to collect taxes from those who presented themselves for registration, registrars were instructed to order such officials from the ground and on their refusal to comply, report the case to the nearest post commander, who would arrest the in-

At the close of registration, in Sept., the disposition was as follows:

Battery G, 5th artillery	Little Rock
Company G. and H, 28th infantry	Little Rock
" B, E, D, " "	Princeton
" F and K, " "	Washington
" A and C, " "	Batesville
" D, " "	Pine Bluff
" A, F, H, 19th "	Ft. Smith
" B, " "	Monticello
" C, " "	Madison
" E and G, " "	Dover
" D and K, " "	Fayettville
" I, " "	Burrowville

[1] *Daily Republican*, July 2, 1867.

[2] *Ibid.*, Aug. 7, 1867.

[3] *Ex. Docs.*, 40th Cong., 2 Sess., no. 342, p. 135.

truders.[1] On June 15th, General Ord reported registration progressing in a few counties, but retarded somewhat by successive overflows.[2]

As the summer advanced Conservative leaders urged "all to register as a duty," and through their press made direct appeals to those who could not register to use their influence to counteract the influence of the Union League.[3] An influential paper said: "The opportunity for registering should not be allowed to escape unimproved. Surely every one can spare one day, if that much time is required, to perform a sacred duty he owes to his country, to his family, and to the community in which he lives." As soon as it became generally understood that the law entitled all ex-Confederate soldiers who had not held certain offices to register, large numbers of them applied for registration.[4]

On the eighth day of August registration boards were ordered to report immediately to subdistrict headquarters whether they would need an extension of time beyond the date fixed for closing,[5] and whether additional assistance might be required to remove unlawful hindrances to their work.[6] The time limit was extended in all cases where it was necessary to secure full registration.[7] The Conservatives charged fraud, and the Republicans charged intimidation and crime. When negroes hesitated to register, radicals asserted that the whites were intimidating them out of "evil

[1] *General and Special Orders and Circulars*, 4th Military Dist. Circular, no. 6.

[2] *Sen. Docs.*, 40th Cong., 1st Sess., no. 14, p. 141.

[3] *Van Buren Press*, June 14, 1867 and *Daily Republican*, July 24, 1867.

[4] *Van Buren Press*, July 5, 1867.

[5] October 1st, was the date for closing.

[6] *Daily Republican*, August 10, 1867.

[7] *An. Cyc.*, 1867; *Daily Republican*, July 29, 1867.

passion and senseless prejudice." Registrars followed no definite rules in determining eligibility, and consequently great dissatisfaction resulted. Early in September the first lists were finished, and there remained only the task of revision.[1]

It was well understood that in the power of revision lay possibilities of gross injustice. Conservatives charged that revision was but a scheme "to see that all the negroes were registered."[2] On the other hand Republicans defended both registration and revision, and commended those who had so admirably performed such tasks under circumstances so embarrassing.[3] The *Daily Republican* announced early that on account of so many ineligible persons being registered the work would have to be done over in some counties and suggested seven different classes who should be erased from the lists at the time of revision.[4] Any registered voter of influence who showed conservative tendencies was likely to be "scratched" in the revision. In some cases candidates for the constitutional convention found it necessary to withdraw, because their names had been erased from the voting list.[5]

Registration had not begun before radical Unionists began organizing for the coming election. A call was issued through the *Gazette* for a meeting of all Union men to meet at Little Rock on April 2nd, 1867, "for the purpose of organizing and cementing the Union element in the state and taking action on matters vital to their rights and in-

[1] *An. Cyc.*, 1867, circular no. 17; *N. Y. Tribune*, Oct. 21, 1867.

[2] *Van Buren Press*, August 23, 1867.

[3] *Daily Republican*, Oct. 30, 1867.

[4] *Daily Republican*, July 29, 1867; *ibid.*, September 24, 1867.

[5] *Daily Republican*, Oct. 28, 1867 and conversation with J. H. Shoppach, who after his name had been erased succeeded in getting it restored and served in the convention.

terests, and to the peace and prosperity of the state." [1] On the appointed day one hundred thirty-nine men assembled in convention at Little Rock and proclaimed themselves the Union State Convention. After some wrangling R. J. T. White was elected chairman and, in announcing the object of the movement, said: "The State must reorganize under the reconstruction bill, and this convention must indicate the manner." The committee on credentials reported one hundred thirty-nine delegates, of whom forty-one were from Pulaski County.[2] From all evidence obtainable, the prospective negro constituency was represented by only three delegates. When the chairman named the committee on resolutions, Colonel M. L. Stevenson moved to add "Mr. John Peyton of Pulaski," remarking that for fear "some of the brethren might be tenderfooted" he would state that Peyton was a negro.[3] That appears to have been the only recognition the negroes received in the convention. Permanent organization was effected by the election of a president, nine vice-presidents and two secretaries.[4] A select committee was appointed "to wait on General Ord and staff, and invite them to seats on the floor and to take part in the convention." After advising General Ord to prevent the legislature from reassembling, to replace the supreme court justices with loyal men, and to suspend the state treasurer and state auditor, they appointed a committee of three to remain permanently at Little Rock to furnish the commanding general with information.[5] This committee

[1] *Van Buren Press*, March 1, 1867.

[2] *Gazette*, April 9, 1867 gives complete list of delegates.

[3] *Ibid.*, The committee was composed of Gregg, Clayton, Fuller, Harrell, Bowles, Rice, Oliver, Montgomery, Padgett and John Peyton.

[4] J. M. Johnson was elected president.

[5] Judge J. M. Tibbetts, R. J. T. White and L. J. Barnes composed the committee.

or, as the Conservatives called is, "Council of State and Supervisors of General Ord," was to be kept informed by the delegates from the several counties. A resolution was passed, asking Congress to remove the disabilities of those Union men who had been conscripted into the rebellion. A central organ, the *Daily Republican,* was launched and considerable discussion was devoted to the proposition to establish party organs in the congressional districts of the state. It was suggested that assistance for this work could be had from Washington, and for promoting this and other party interests a committee was appointed "to represent the interests of loyal men of the state at Washington City, whenever, in the opinion of the State Central Committee, such interests may seem to require their presence there." A state central committee, with B. F. Rice as chairman, was created and, on motion of Powell Clayton, authorized, in conjunction with the committee on conference with the commanding general, to act in all matters affecting the interests of the party when the convention was not in session.[1]

A resolution to invite the cooperation of ex-Confederates who would accept the reconstruction measures of Congress and renounce the "detestable theories of secession and state sovereignty" was defeated in the convention. The same fate met a proposition to announce to ex-Confederates that the friends of reconstruction desired "no proscription, no confiscation, no laws that interfere with their rights of life, liberty, or property," but wished to obliterate the words "traitor" and "rebel." The hesitancy in taking a definite

[1] This committee was composed of T. M. Jacks, Elisha Baxter, T. L. Gibson and Mr. Marsh for the first congressional district; W. S. Oliver, Powell Clayton, Keyes Danforth and J. H. Montgomery for the second district; M. L. Stevenson, J. N. Sarber, J. H. Howard and Lafayette Gregg for the third district; and A. W. Bishop and John Peyton (colored) for the state at large.

stand on confiscation was defended by certain delegates on the ground that it was sure to come regardless of action on the part of the convention.[1] A resolution "That the course of Andrew Johnson, the corrupt politician and faithless president, in the prostitution of the public offices and public moneys to encompass the defeat of the public will, in order to establish 'my policy' merits the condemnation of every true patriot and honest man," was after considerable debate withdrawn.

In the platform of principles announced by the convention the constitution of the United States was pronounced the supreme law of the land for a Union of States, not a "mere league of states." All the evils afflicting the state were attributed to the "unprincipled and corrupt demagogues" who had held office and controlled legislation for so many years, had brought on the rebellion, and were still seeking to return to power in order to disfranchise the recently enfranchised, prohibit the education of their children, and adopt other reactionary measures. Endorsement was given the whole congressional plan of reconstruction as the best plan for safeguarding the liberty and rights of all citizens under a loyal and competent state government, securing economy in public expenditures, restoring the credit of the state, constructing railroads and other improvements essential to prosperity, promoting an enlightened and judicious system of public schools for all, inviting immigration and capital from every quarter, and the restoration of peace, security and prosperity. All conventions and meetings which had in view the reconstruction of the state received this convention's full endorsement. It was asserted as a fundamental principle of the new party that state taxation should be uniform, and that no discriminations in favor of any class should exist. The ninth and last plank of these

[1] *Van Buren Press*, April 19, 1867.

principles was an invitation to the citizens in each county to organize and report their organization to the state central committee at Little Rock.

Here were all the elements of the party which was to reconstruct the state—carpetbaggers, scalawags, and negroes. The carpetbaggers dominated the proceedings, formulated the platform, and arranged the organization for carrying on the work. The scalawag minority was without influence and calmly yielded leadership to the newcomers. The negroes exercised a negligible influence, since neither their disposition nor their numerical strength was then known. When the convention adjourned, the new party organ, the *Daily Republican,* pronounced the work very good, and declared that half the victory had been won by placing the party upon a platform of principles. "The state was here," said this doughty infant.[1] No one, it supposed, would question the authority of such a convention to act. With "God wills it" inscribed upon their banner the Union men would go forth to battle and to victory for "Liberty, Union, Equality of all before the Law."

In explanation of why the convention remained silent on the freedmen's rights, the organ said: "The Union convention received the colored delegates as co-equals of any and all of its members. They came, not as freedmen, but as American citizens, and were welcomed as such. They took seats in the convention; they voted on all matters eliciting their interests; and, as above stated, the convention availed itself of their counsels in its construction of a platform, and secured their services on its central committee. And it is worthy of remark that it was the expressed wish of Mr. Peyton, in committee on platform, that no special section be had in regard to freedmen."[2] This was a most

[1] *Daily Republican,* April 10, 1867.

[2] *Ibid.,* April 11, 1867.

ingenious step, but it failed to silence the criticisms of the Conservative leaders or to guarantee the negro a respectable place in the new party.

During the convention a large meeting of freedmen was held in the State House grounds, where speakers, white and black, stirred their enthusiasm by ponderous exhortations to rally to those who had saved the Union and brought freedom to the oppressed.[1] From that time until after the constitutional convention of 1868 no other question received so much attention as the political direction of the negro. The Conservatives asserted that the negroes if left to their own choice would not care to register or vote; that the negro population had greatly decreased; that the southern whites were the only true friends of the former slaves; and that the political missionaries or "festering sores," who were traveling about the country were itching to lay their hands on the hard-earned money of freedmen.[2] "We would like to know," asked the *Van Buren Press*, "why the negro should not have a position in the councils of the nation. Why not have at least one black man from this county for a member of the convention?" "We mention this subject," it said, "for fear that in the hurry of selecting candidates our new born citizens will be overlooked by these zealous Rads.[3] This paper called on the negroes to reflect, and as food for their discriminating minds recalled a little history. "Some of these same men," it said, "who are now so anxious to serve the negro had an opportunity in 1864, but they did not even grant the right to sue and testify in the courts, to the negro they love so well. A legislature which these men pronounced a terrible disloyal body took the in-

[1] *New York Herald*, April 4, 1867. Conversation with Noah Hayes.

[2] *Van Buren Press*, September 27, 1867, May 4 and July 5, 1867.

[3] *Van Buren Press*, June 28, 1867.

itiative and performed this plain and simple duty to the negro as a freedman. Why did these men fail in the matter in 1864." [1] General Smith cautioned the freedmen against the undue excitement of political activities, and warned them that the privilege of voting would not produce food, raiment and shelter.[2] They were promised that all notices requiring their attention would be endorsed by the authorities at headquarters; but his efforts proved useless against the agencies then being shaped by the convention. Mass meetings were to be held, local conventions assembled, negro churches utilized, and Union Leagues and Union Clubs organized, all for the indoctrinization of the negro.[3] They were warned against the designs of their old masters to reduce them to slavery, treated to disquisitions on the constitution of the United States, and exhorted to follow the "champions of equal rights." [4] "The Duties of the Hour" and "Facts and Figures" were texts from which radical speakers pointed many a patriotic lesson for the assembled freedmen. The apprehended dangers from negro suffrage, on which the Conservatives enlarged with unctuous fervor, were ignored or belittled. The organization of a Union League or a Union Club in every voting precinct was urged as the best possible defense against the schemes of the Conservatives. The official party organ said: "Let us keep up our Club and League organizations, where we have them, and where we have not, see to it that they are established at once, and properly put into working order. Let speakers go out into every voting precinct and talk to the people upon the issues of the day, urge them to join us in the work of restoring this state to her old position in the Union, that

[1] *Van Buren Press*, June 7, 1867.

[2] *Daily Republican*, April 2, 1867.

[3] *Ibid.*, December 16, 1867.

[4] *Ibid.*, May 2 and September 24, 1867.

peace and prosperity may again bless us as of yore."[1] When local conventions in the northwestern counties began in September to nominate candidates for the constitutional convention, the party managers counselled delay until further preparation had been made. The other preparation was the consolidation of the negro voters. By the last of September that had been so far accomplished as to place the freedmen clearly beyond the influence of their Democratic neighbors.[2]

The Conservatives were in confusion. Their natural leaders had adhered faithfully to the Confederacy, and were now disfranchised. The party organization was wrecked in the collision between the legislature and the military.[3] They were now without acknowledged leadership or a settled line of policy. Many of the ante-bellum leaders were so broken in fortune that their energies were devoted to the single task of making a living. While registration was in progress, the chief political activity of Conservatives of all shades was to offer merciless criticism, point out the dangers ahead, and expose the designs of the demagogues who were using the negro for selfish purposes. The Honorable W. P. Grace advised that every elegible white man register; that the negroes be taken in hand, and by instruction in their rights and duties, made to feel that they were among friends; and that every employer of negro labor see that his laborers were registered. "I think," Grace wrote, "before the election for the convention shall take place, good conservative men, identified with the country, should be put forward as candidates, and that they should make ap-

[1] *Daily Republican*, August 5 and 21, 1867.

[2] *Van Buren Press*, September 13, 1867. In a communication to the President of the Union Republican convention of Crawford County, nine negro leaders showed clearly that they would stand by the Union Republican party, and not be led astray by the enemies of freedom.

[3] *House Journal*, 1866-1867, p. 1008.

pointments and call the people together, and speak to them honestly and fairly of the situation and call upon them to come on the day of election and declare their will. I think the convention should adopt a constitution in conformity with the demands of our Congress." [1] General T. C. Hindman advised registration and voting for a convention. He declared it the "plain and imperative duty of conservative men at once to organize as a party throughout the state, and in every district, county and township, for the purpose of resisting radicalism at every step." [2] John S. Dunham, of the *Van Buren Press*, urged registration, opposition to a convention and the election of Conservative candidates.[3]

A few ex-Confederates joined the reconstruction party, but no leaders of consequence took that course.[4] Some few, notably General Albert Pike, advocated non-resistance and passive obedience, preferring permanent military despotism to degradation under negro suffrage.[5] A small group of politicians at Little Rock, dubbed by the radicals "the 22," worked faithfully to perfect the organization of the Conservatives; but some shuddered at the moral obliquity in taking the oath, others doubted the expediency of party methods, and still others held aloof because of jealousy of leadership. Late in the year, after a six months' struggle for party agreement upon a definite policy, the *Washington Telegraph* said: "How best to defeat the reconstruction scheme here in Arkansas and ward off these pending dangers is not yet the clearest." [6] Consequently no party platform

[1] *Van Buren Press*, April 26, 1867, quoting Grace's letter in the *Pine Bluff Dispatch*.

[2] *Daily Republican*, July 24, 1867.

[3] *Van Buren Press*, October 25, 1867.

[4] *Daily Republican*, September 18 and December 9, 1867.

[5] *Ibid.*, May 10, 1867.

[6] *Ibid.*, December 9, 1867, quoting the Washington Telegraph.

was formulated before the election was held, and each group or locality directed its opposition in its own way.

As registration progressed the campaign for the convention became lively. On July 2nd, the Union State Central Committee issued an address, explanatory of the platform of principles issued by their April convention. To quiet the dissatisfaction which was springing up in their ranks, they said: "If they (the principles) do not suit you in every particular, see if they do not come so near your views that you can stand with us in the coming election; and afterwards if experience should teach us that any of those principles are wrong, labor with us for their modification in the party and not out of it." In addition to previous declarations they now committed the party to the support of internal improvements; national aid in leveeing the overflowed lands in the state; economical administration of government, state and national; opposition to all forms of slavery; free speech and free press; equal suffrage for whites and blacks; and equality of all before the law.[1] In their invitation to all to rally to the cause, they emphasized their belief that it could be no disgrace to be called by the name "Republican" when it had accomplished so much.

On October 1st, the chairman of the Union or Republican State Central Committee issued an appeal to the friends of reconstruction in every county to nominate as candidates the best and most available men who could command the respect of Congress. He charged the negroes not to be deceived by those who opposed their freedom, but to make themselves a part and parcel of the Republican party, take part in the nominating conventions, and vote on election day.[2] These leaders of the new party placed themselves unequivocally on the proposition: "Reconstruction is a fixed

[1] *Daily Republican*, July 2, 1867.

[2] *Ibid.*, October 1, 1867.

fact, which all the powers of the old dynasty can not stop or jostle on its way," [1] and announced that they considered it "a very mild punishment the government metes out to the rebellious leaders of the South, when it says 'you can never again be one of the rulers in this land. You shall not hold office, or have political power.'" [2]

Occasionally a Republican voice was raised against military rule, not that any one objected to the way it was administered, but simply because some felt the importance of a government in which they could make and enforce their own laws, elect their own officers, and take such steps as would restore peace and harmony.[3] That was the only point where Republicans ventured even the mildest criticism of the congressional policy. The campaign argument was admirably summed up in Powell Clayton's great effort at El Dorado, October 26th. Here Clayton declared that Congress had evinced a disposition to meet the wishes of the people in the fullest extent, and to restore them to the Union with the least possible sacrifice of feeling or former rights. As proof of this assertion he pointed out the fact that they suffered the Murphy government to exist for more than a year, without harsher terms, in the hope that the people would accept the situation in a becoming spirit. The present plan had been offered, he said, because other terms had been contemptuously spurned. If the plan was not accepted, or if obstacles were presented, Congress would proceed to a final settlement by brushing aside all opposition.[4]

For the support of their cause Republican leaders put into the canvass the strongest speakers available.[5] When an ex-

[1] *Daily Republican*, December 9, 1867.

[2] *Ibid.*, October 25, 1867.

[3] *Ibid.*, November 4, 1867.

[4] *Ibid.*, November 5, 1867.

[5] *Ibid.*, October 15, 1867.

Confederate joined their ranks it was "gratifying to hear such names associated with positions of public responsibility."[1] When such an individual happened "to see the light" and "accept the situation" he was welcomed into the fold and his welfare commended to the Union men of the state.[2] And when one caught a glimpse of light, but failed to receive it in its effulgence, he was commended in proportion to his light.[3] When the Conservatives closed their eyes to the real situation and nominated secessionist candidates, the *Daily Republican* challenged them to nominate in every county in the state men who could represent their true views. "Trot out your old spavined stock," it said, "so that we can have a fair race, so that we may have a fair expression of the wishes of the people."[4]

On the eve of the election the people were warned by the friends of reconstruction that the destiny of Arkansas depended on the decision before them. The *Daily Republican* said: "Voters of Arkansas! consider well your interests! Divest yourselves of all party feeling and prejudice on that day, and cast your ballot for progress and reform." As plain practical questions it asked: "Do you want good roads throughout your state? Do you want free bridges? Do you want free schools, and the advantages of education for your children? Do you want the arts and manufactories encouraged in your state? Do you want all appropriations of money applied to purposes for which they were given, instead of being squandered for party purposes by political wire workers to keep themselves in power? If you do, vote for a convention if for no other reason than that matters can not be made worse. Any change promises good results

[1] *Daily Republican*, July 23, 1867.
[2] *Ibid.*, December 9, 1867.
[3] *Ibid.*, July 24, 1867.
[4] *Ibid.*, October 23, 1867.

in comparison with what the old Democratic clique have done for you." To the laboring man of Arkansas and to old Whigs it said: "you have waited patiently for this hour. Arise in your might, assert your rights at the ballot box, put your shoulders to the wheel of progress and reform, and nations yet unborn shall bless you! ! !"[1] Hints were dropped that confiscation might follow if a convention was defeated.[2] The disaffected in their own party were warned that fidelity to the party was the test of loyalty and the condition of future preferment.

Where the negroes were few and the Union League weak, the campaign was not exciting.[3] There were conservatives, ultra-radicals, and hybrids among the people, but only the ultra-radicals were registered in their full strength. Conservative candidates appeared in every county, and generally supported the proposition that reconstruction under the acts of Congress was impossible, without reducing the people of the state to vassalage under a negro regime led by a few carpetbaggers.[4] As a choice between two evils they preferred military rule to civil government such as must follow a victory for the radicals. When they boldly demanded their rights under military rule, the Republican leaders passed the matter by as the wail of disgruntled rebels.[5] It soon became evident that the registrars by their power of revising the lists could control the election regardless of the voting strength of the opposition. As no men of conservative views were selected judges and clerks of election, the people in many counties lost interest in the election.[6] Their chief

[1] *Daily Republican*, October 29, 1867.

[2] *Ibid.*, November 12, 1867.

[3] *Van Buren Press*, August 23 and September 20, 1867.

[4] *Ibid.*, October 29, 1867.

[5] *Daily Republican*, April 4, 1868.

[6] *Van Buren Press*, November 8 and 15, 1867.

activity was directed at the carpetbagger. He was depicted as an adventurer, broken in fortune, bankrupt in moral judgment, and withal content to live on a plane of equality with the negro. His earthly possessions he carried in a carpetbag, as he visited Union League, Republican club, and negro church, seeking to save the Union by securing some minor office. Conservatives were at great advantage when speaking to an honest and intelligent voter, for he could easily perceive the absurdity of delivering the state government into the hands of men who had not developed enterprise enough to establish business attachments in their own states.

On August 15th, General Smith published an order for supervisors of registration to forward to headquarters, "as soon as possible, the names of competent persons, without regard to color, for the position of judges and clerks of election, who can take the oath required of registrars." They were directed to select one judge and one clerk from each precinct, if possible; but in case that number of qualified persons could not be found, they were to procure at least six for each county.[1] Supervisors were to base their recommendations on reports from the several boards of registration. Each man selected as clerk or judge was to receive six dollars a day for each day on which he held an election and actual expenses for transportation both ways from his home to the place of voting. On September 26th General Ord issued the order under which the election was to be held for determining whether there should be held a convention to frame a constitution.[2] At the same time he apportioned the representation, basing the apportionment as nearly as possible on the registration.[3]

[1] *Daily Republican*, August 15, 1867.

[2] *An. Cyc.*, 1867, pp. 53-54.

[3] *Journal of Convention of 1868*, p. 31. The apportionment was as follows: Jefferson, Pulaski and Phillips, four each; Hempstead, three;

The election, beginning on the first Tuesday in November and continuing until completed, was to be held in each precinct of every county, under the supervision of county boards of registration, each registrar supervising as nearly as possible one third of the precincts in the county. The territory which a registrar superintended was designated a district. Each registrar was to select one judge and one clerk, who, with himself, were to constitute "the commissioners of election" for all the precincts of the district. After giving full and timely notice, the commissioners, provided with ballot box, lock and key, were to proceed from precinct to precinct, holding elections if practicable on consecutive days. Each ballot was to have written or printed on it "For a Convention" or "Against a Convention" and the name of the delegate or delegates voted for. The sheriff of each county was made responsible for preserving order at the polls, and for that purpose was directed to select an able deputy for each precinct. To the same end every registrar, judge, and clerk was clothed with all the powers of "a civil executive officer." All places for the sale of intoxicating or malt-liquors within the precinct were to be closed from 5 A. M. to 10 P. M. on the day of the election. In cases of violence or fraud the perpetrator was to be promptly punished by the commanding general and the election held over "under the protection of United States troops." No registrar, judge or clerk was to become a candidate for office at the election on which he served as a commissioner.[1]

Washington, Columbia, Arkansas, Lafayette, Union, Prarie, Clark, Drew, White, Ouachita, Ashley and Independence, two each; Polk and Pike, together one; Montgomery and Perry together one; Newton and Marion, together one; Fulton and Searcy, together one; Poinsett and Cross, together one; Mississippi and Craighead, together one; and all the others had one each.

[1] *Convention Journal*, 1868, p. 32. Before the election was begun the

The election passed without unusual excitement, in some localities without interest. On November 8th General Smith was ordered to forward to headquarters the name of any official or person who had been making or might make inflammatory speeches to freedmen, or endanger the public peace by exciting one class against another.[1] This order, together with the authority of General Smith, the sheriffs and deputy-sheriffs, secured peace and quiet during election days.[2] The system, however, encouraged the practice of fraud by the registrars, who had it in their power to determine the results, and over whom the civil and military officers exercised no direct supervision. The Conservatives charged registrars with fraud in not announcing the time and place of election, with voting the negroes in squads, with encouraging repeating, and with rejecting Conservative votes in defiance of all regulations.

On December 5th General Ord announced that a majority of the registered voters had voted and that a majority of the votes cast were for a convention, and designated the House of Representatives at Little Rock and 11 o'clock, January 7th, 1868, as the place and time for the delegates to assemble in convention. The official announcement of delegates elected was postponed until certain charges of irregularities had been investigated.[3]

registrars were ordered not to divide Helena and Little Rock into precincts as the other parts of the state, but that each registrar with his judge and clerk open a polling place, making three polls for each town. The time and place for holding such polls was left to the registrars. The election was to cover two days, one for the whites and one for the blacks.

[1] *Daily Republican*, November 9, 1867.

[2] *Ibid.*, November 19, 1867.

[3] *Debates and Proceedings of the Arkansas Constitutional Convention of 1868.* The official orders concerning the regular and special elections in Arkansas are reprinted in these proceedings, pages 27 and 41.

On the twenty-first of December there issued from headquarters general orders No. 43, declaring that the total number of registered voters in Arkansas was 66,805, that 41,134 had voted at the election, and that 27,576 had voted for, and 13,558 against holding a constitutional convention. Upon these figures General Ord announced the names of all delegates whose election had not been reported as irregular. Irregularities were reported from Izard, Ouachita, Ashley, Lafayette, and Calhoun counties. The election in Calhoun was set aside on the grounds that a registrar, G. S. Adams, had prevented a voter from voting for an anti-convention candidate on a pro-convention ticket. The election of A. M. Merrick, registrar for Lafayette county, was declared invalid on the charges that he had "materially interfered with the revision of the list of voters," had in other respects "conducted himself in a manner disgraceful to the position he occupied," and had "become a candidate for delegate to the convention." A new election was ordered for Ouachita county on the grounds that "frauds and irregularities" had been committed. The order setting aside the election in Ashley on charges of irregularities was revoked when investigation showed that irregularities had occurred in Union precinct only and that counting all the votes of that precinct on either side would not change the result of the election.[1] In the new election held in these localities, Adams was defeated in Calhoun, Merrick was reelected in Lafayette, Portis and Rawlings were reelected in Ouachita. The case of Izard county was settled by the convention.

As a rule the negroes voted their full strength, while in

[1] *Debates and Proceedings of the Arkansas Constitutional Convention of 1868*, pp. 253, 772 *et seq.* The evidence given in this case was very conflicting. The registrars who held the election testified that negroes were intimidated throughout the county and that United States troops fired volleys in celebration of the majority against a convention.

many sections the whites remained away from the polls.[1] Colored voters, under radical white leaders, marched to the polling places and cast the ballots which were handed to them by the party workers. So thoroughly was this carried on in the counties with a large colored population, that the Republicans could not understand how the conservatives could show a majority anywhere. Conservative majorities in precincts with a majority of white inhabitants were attributed by the Republicans to a lack of organization on their own part; in precincts with a large colored population such majorities were attributed to the intimidation of the negro by the whites.[2] General Ord, however, stated that there had been very little opposition by the whites.[3]

The *Daily Republican* announced that "the first conflict had resulted in a glorious triumph," the Republicans having elected sixty of the seventy-five delegates. As events turned out, they had more than sixty. In recounting the party's progress and achievements, the editor said: "When it entered upon the conflict in this state, in April last, like the era of chaos before the world began, the Union elements were 'without form and void,' but henceforth we have faith to believe they will be a new and regenerating power controlling the destinies of Arkansas."[4] After declaring that they had ousted the old politicians and were ready to welcome any of the vanquished who would enter the Republican party, the editor paid "a brief but merited tribute" to the colored citizens of Arkansas, who had signally vindicated the confidence reposed in them by the national government and had

[1] *Van Buren Press*, November 15, 1867; *N. Y. World*, Jan. 8, 1868. A correspondent to the World of this date gives a rather lively picture of the election, which he calls "the recent farce."

[2] *Daily Republican*, Nov. 14 and Dec. 2, 1867.

[3] *Ibid.*, January 8, 1868.

[4] *Ibid.*, November 19, 1867.

so honorably assisted in bringing about the glorious triumph. He claimed that the negroes had been tried and found true; their orderly conduct, their courage, loyalty, and devotion had been demonstrated. The results warranted this glowing review, even the bid for the negro's continued support.

It was to the immediate future that the editor looked, for after all his party had made no encouraging progress. With complete control of all the election machinery they had got out fewer than two-thirds of the registered voters, and but a few more than two-thirds of these had voted for a convention. If all the registered blacks voted for a convention, there were only 4,430 white votes cast for it. If the 25,671 who did not go to the polls or whose ballots were thrown out by the judges and clerks, had been counted with the 13,558 against a convention, the result would have been an inglorious defeat for the Republicans. It is fair to conclude that it was a minority-negro triumph, and that the Republican editor realized that the future of his party in the state would depend on recruits from the vanquished, or on rigid party coherence supported by the disfranchisement of a majority of the native whites and full control of the election machinery.

General Ord had never been popular with the extreme radicals, and after the election his removal was agreed upon.[1] He had been too moderate for the Republicans, since the organization of their party, and not moderate enough for the Conservatives. Between the date of the election and his removal there were many evidences of unrest among the people.[2] Reports were circulated that on some of the large

[1] Gideon Welles, *Diary*, vol. iii, p. 245. Ord was succeeded on January 9, 1868, by General Alvan C. Gillem.

[2] *Debates and Proceedings of the Arkansas Constitutional Convention*, p. 648.

plantations the negroes were being organized, armed, and drilled by certain low-class whites.[1] To meet the complaint that laborers were not receiving their just wages boards of arbitration were established to adjust claims upon crops.[2] The destitute condition of freedmen and the petition from whites asking protection against the depredations of lawless freedmen, led him to order county courts to provide for the destitute and to suggest to the freedmen, through their leading colored friends, to accept work at the best wage they could get, or they might be proceeded against as vagrants. Reports were sedulously circulated by Republicans that the loyal people were preparing to make reconstruction triumphant, but at the same time came rumors of murders and intimidation committed by the southern whites. These reports came from those who traveled the state in party interests and led to such a tightening of military control that General Gillem, Ord's successor, found it advisable early in his administration to pursue quite a moderate course.

[1] *Harrisburg Journal*, December 20, 1867.

[2] *Daily Republican*, December 27, 1867.

CHAPTER VII

The Freedmen's Bureau

At the outbreak of the civil war there were in Arkansas 111,115 negroes, distributed for the most part through the counties along the Mississippi, the White, the Arkansas, and the Ouachita rivers. During the first two years of the war slaves remained with their masters and gave but little attention to the events taking place around them. But the political and military events of 1863 created a different situation. On the first day of January, 1863, President Lincoln issued his emancipation proclamation, declaring the slaves in Arkansas free, and committing the executive government of the United States, including its military and naval forces, to the maintenance of the status thus conferred. The freed persons were enjoined by that proclamation to abstain from all violence, "unless in necessary self-defense," and admonished to labor faithfully for reasonable wages. At the same time it was announced that properly qualified negroes would be received into the military service of the United States.[1]

The actual status of the negroes was affected by this proclamation, however, only where the United States forces reached them. It happened that federal military operations of 1863 were through those sections of the state containing large numbers of negroes. In the course of that year United States forces completed a campaign from Pea Ridge, in general along White River, to Helena, and from that

[1] Nicolay and Hay, *Lincoln's Complete Works*, vol. ii, p. 287.

point westward to Little Rock. About the same time a movement from Ft. Smith to Little Rock was successfully executed. During the same months the southeastern counties and the lower Arkansas were recovered from the Confederates. Wherever federal forces appeared most of the ablebodied adult negroes left their owners and sought refuge within the Union lines, where on account of their helplessness and excited state of mind they became a serious handicap on military operations. From a protest of the Chaplains Association of Eastern Arkansas to General Curtis, then commanding the Union forces in the state, it appears that the soldiers and camp-followers in many cases abused them inhumanly.[1]

The military authorities in the field met the difficulty as best they could by employing the blacks at whatever work could be found about the camps. Along the rivers many were employed in cutting wood for the government or as laborers in the transportation service, while in the interior they were used as scouts for those in quest of rebel property or gathered whatever crops fell within federal control. In the region near Helena various attempts were made in 1863 to supervise all freedmen or "contrabands" who gathered about the army; but in most cases the supervisors proved to be dishonest speculators, who worked them under such conditions as produced great destitution and mortality.[2] Superintendents were changed often, and many of them never visited a freedmen's camp during their term of service. There was no attempt at arranging a definite system of compensated free labor, and Confederate raids were so constant that the negroes were kept in a state of excitement.

Early in 1863 Adjutant General Lorenzo Thomas was sent

[1] *New York Herald*, September 25, 1863.

[2] *Report of the Supt. of Freedmen*, 1864, pp. 6 *et seq.*

to organize colored regiments between Cairo and Vicksburg. Under Thomas' authority General Prentiss organized two colored regiment at Helena,[1] and from that time until the close of the war negroes were enrolled in the United States army. That, however, provided for only a small part of the ablebodied males, and left women, children, and the decrepit to care for themeselves, or to be supported by the federal government.

General Thomas soon turned his attention to making the freedmen as a class a self-supporting element of defense for the country. This he planned to do by leasing the abandoned plantations which fell into federal hands to men who would employ the freedmen at their old pursuit and as nearly as possible at their old homes. After a consultation with General Grant, he appointed three commissioners to superintend "the letting of plantations to persons of proper character and qualifications," to regulate contracts between the lessees of such plantations and their laborers, "to attend in some measure to their moral and intellectual wants," and to carry out generally the policy of the government regarding negroes put to agricultural pursuits. The commissioners were to have jurisdiction over all confiscated or abandoned plantations and all the negroes who came within the federal military lines. They were to visit each plantation, make an inventory of all property there, including ungathered crops, and lease them at the rate of two dollars for each four hundred pounds of cotton, or five cents for each bushel of corn, produced. To each lessee were to be assigned as many negroes of average quality as he should desire, on condition that the lessee furnish bond to employ laborers until February 1st, 1864, feed them, advance them clothing at cost, treat them humanely, pay them definite wages, and

[1] *An. Cyc.*, 1863, p. 427.

keep families together when they should desire it.[1] Military protection was not guaranteed, but troops were to protect leased plantations when they could do so without injury to the miltary service. It was suggested that considerable protection to the plantations might be had through the military organization of the negroes. In case a sufficient number of lessees could not be found, the commissioners were authorized to appoint superintendents to employ the negroes on the unleased plantations, or make other arrangements whereby they would not become a burden on the government.

In many cases, especially where the leased plantations carried ungathered crops and were situated where the Confederates could not reach them, lessees realized enormous profits on modest investments. As a rule they were dishonest adventurers, who cared little for the United States government and less for the negroes. The commissioners proved to be little better than the lessees. However, in the autumn of 1863, J. E. Yeatman, who was making a tour of inspection for the Western Sanitary Commission, found that the negroes were treated better about Helena than at other places.

When this system failed to produce the relief needed, freedmen's camps were established near military posts, with superintendents to issue necessary rations to freedmen and work them or hire them out. Every freed person was to be employed or sent to a freedmen's camp. Near the close of 1863, W. P. Mellen, an agent of the Treasury Department, and J. E. Yeatman, of the Western Sanitary Commission, formulated for 1864 a set of regulations which they thought would remove many abuses, increase the freedmen's wages about threefold, increase the government's income

[1] *An. Cyc.*, 1863, p. 428. Lessees were to pay the following monthly wages: ablebodied men over fifteen years of age $7; ablebodied women over fifteen $5; and children between twelve and fifteen half price.

from leased plantations, and secure medical attention for freedmen.[1] But that plan also proved a failure, and Mr. Fessenden, Secretary of the Treasury, provided that the special agents of his department should supervise the freedmen in their respective districts; that a Freedmen's Home Colony should be established in each district, when the situation required; and that a superintendent should be appointed for each colony. The superintendents of colonies were required to take charge of the lands, implements and freedmen, supervise the work, keep accurate accounts, and pay a definite scale of wages.[2] When the civil courts were closed or considered unfair for the trial of cases involving freedmen's rights, the superintendent was to serve as judge in cases of dispute between employer and employee. The aged and infirm blacks were to be cared for at the expense of the home colonies.

For administrative purposes under this system, the State of Arkansas was divided into loosely defined districts, each under an army officer as superintendent, and the whole placed under Major W. G. Sargent as state superintendent, with headquarters at Little Rock. Captain A. L. Thayer was in charge at Helena, Captain S. W. Mallory at Pine Bluff, and Lieutenant W. Davis at DuVall's Bluff. The work was extended to Ft. Smith, but it does not appear that a superintendent was appointed for that district.[3] Major Sargent reached Little Rock in January 1864, and found the freedmen in a most demoralized condition. The loyal civil state

[1] *New York Tribune*, January 30, 1864.

[2] The following monthly wages were established: for ablebodied persons between eighteen and forty years of age, men $25 and women $18; for the same conditioned persons between fourteen and eighteen and between forty and fifty-five, men $20 and women $14; and between twelve and fourteen and over fifty-five, men $15 and women $10.

[3] *Report of the General Superintendent of Freedmen*, 1864, pp. 3, 6.

government which was being inaugurated, proved of very little immediate assistance in adjusting the negro to a system of free labor. However, during the year there were cultivated about one hundred plantations, containing fifty thousand two hundred seventy acres of land. Eleven thousand three hundred sixty freedmen were engaged under the system during the working season, and only nine hundred eighty-five individuals were drawing rations at the end of the year.

While a majority of the lessees were discharged federal army officers, some "old planters" and a few negroes engaged in planting under the new system of 1864. The demand for labor was greater than the superintendents could supply, and consequently wages were good.[1] Where employers furnished food as part compensation, freedmen in most cases fared well, if we are to accept the reports of employers as true.[2] In addition to the stipulated wages and Saturday afternoon of each week as a rest period, many planters offered their hands special inducements to faithful service.[3] In many cases the planters allowed their hands small plots or "patches," which at odd times they might cultivate for their own benefit. Though the yield of 1864 was reduced by the army worm to about one-fourth that of

[1] M. D. Landon, a lessee near Helena, employed from fifty to one hundred freedmen; furnished them bacon, meal, flour, pork, mackerel, sugar, molasses and coffee at only 15% advance on Cincinnati prices, and clothing at Cincinnati prices; and paid monthly wages of $25 for men, $20 for boys and $16 for women until November 1st, after which date he paid $1.25 per hundred for cotton picking.

[2] The planters near Helena furnished their hands, rice, beans, tea, vinegar, bacon, pork, flour, meal, sugar, molasses, salt and coffee. To this they added soap and candles.

[3] Ayers and Taylor of Helena, were considered the most liberal lessees in this respect, though G. R. Newman, an old slave holder, gave his hands $400 in summer suits, and Major Lynch allowed his hands full time and $700 worth of summer clothes.

the average normal year, lessees made profits sufficient to encourage them to continue in business. Some of the negro lessees realized unusually large profits, an average of about $50 an acre.[1] Others, who were so unfortunote as to form partnerships with loyal white men, reaped the bulk of their profits in experience.[2]

Some effort was made to develop the social and intellectual life of the freedmen. The Rev. Joel Grant, Chaplain of the Twelfth Illinois Infantry, was appointed state superintendent of freedmen's schools, but succeeded in establishing only a few schools in the towns and near the government wood yards.[3] The instructions under which Grant began his work required that he locate and open schools and supply them with apparatus; that tuition fees ranging from twenty-five cents to one dollar and twenty-five cents be collected from each pupil able to pay; that instruction be free to the very poor; and that clothing be supplied the needy through the instrumentality of industrial schools.[4] But as lessees desired only adult field hands, there were usually not enough children on a plantation to authorize the establishment of a school. Superintendent Grant failed to reach the remoter districts, and often where children could be found in large numbers the authorities could not secure teachers because of the frequency of Confederate raids.[5] Only one or two

[1] *Report of the Supt. of Freedmen*, 1864, pp. 47 *et seq.* Near Helena negroes made the following sales of standing crops: forty acres for $8000, twenty-four acres for $6000, thirty acres for $5000, thirteen acres for $4000, twenty-five acres for $4000.

[2] *Report of Supt. of Freedmen*, 1864, p. 51. A. Severance Fisk, an inspector in the department, thought partnership between whites and blacks a bad thing for the blacks.

[3] Wood yards were stationed along the course of navigable streams, where freedmen were used in large numbers for collecting wood for government purposes.

[4] *Report of Supt. of Freedmen*, 1864, p. 86.

[5] *Ibid.*, p. 32.

schools were successfully inaugurated on plantations.[1] In the towns where they could procure the use of a church or other house and where there was less danger from the Confederates, some progress was made in educating the freedmen. A Mr. Allen at Helena, the Rev. Mr. Todd at Pine Bluff, and a Mr. and Mrs. Barstrow at Little Rock "kept" negro schools. The Rev. Andrew Wallace, colored, also opened a school at Little Rock. An industrial school in which freedwomen were taught cutting, sewing, and mending, was established near Helena. A Mrs. Thomas and a Miss Warren conducted a school at the Home Farm at Pine Bluff. When a circular was issued requiring a tuition fee at the schools, many pupils were scared away but soon returned.[2] After the first shock they showed entire willingness to bear the expense of their education, whenever they were able.

An orphanage with capacity for about sixty children was established near Helena by General N. B. Buford and his wife, and supplied with teachers by Elkanah Beard, who represented the Society of Friends. At nearly every Home Farm there was established a temporary hospital, but they were invariably inadequate and poorly kept.[3] The chaplains were busy in season and out, binding the freed people in the holy bonds of matrimony and impressing upon them the sanctity of domestic relations. Members of scattered families were brought together, correspondence between relatives encouraged, and devoted wives commended for traveling from Helena to Ft. Smith to visit their husbands who were serving in the army.[4] The freedmen's tastes were dir-

[1] *Report of Supt. of Freedmen*, 1864, p. 61.

[2] *Extracts from Documents in the Office of Supt. of Refugees and Freedmen*, March, 1865, p. 8.

[3] *Report of Supt. of Freedmen*, 1864, p. 72.

[4] *Ibid.*, p. 70.

ected away from "gewgaws and trinkets" to the more substantial things of life. It was reported that negroes before the "Freedmen's Judicial Tribunals" displayed a marked respect for veracity and a wholesome regard for property.[1] Their home life, however, was little better than it was when they were slaves. On leased plantations freedmen occupied the old slave quarters, where without the supervision of master or overseer they lived in filth and disease. The situation was but slightly different at the wood camps and in the towns. There they occupied small log huts, built in irregular groups or villages.[2]

At the Home Farms conditions were doubtless better, but even there the freedmen experienced no marked transformation in their mode of life. The Farm at Pine Bluff, under the supervision of Captain S. W. Mallory, consisted of eight hundred acres of good land, was well supplied with laborers, and enjoyed ample protection, but it appears to have been barely self-supporting.[3] The one at DeVall's Bluff accommodated six hundred persons, mostly wives of negro soldiers, and was managed in such a way that only sixty-one persons drew free rations at the end of the year.

[1] *Report of Supt. of Freedmen*, 1864, pp. 61-62.

[2] *Ibid.*, p. 68. At Little Rock the negro sections were known as "Lickskillet" and "Brownsville."

[3] *Ibid.*, pp. 70-71. The following report of the sanitary conditions at the Pine Bluff Home Farm indicates what was done for the freedmen, 1864.

Month	*Mean Strength of All Ages and Sexes*	*No. Cases Treated*	*No. Deaths*
May	870	620	63
June	850	480	55
July	760	402	32
August	700	320	15
September	680	206	6
October	720	102	2
November	786	9	6

That at Little Rock was a failure, largely because of the constant influx of recruits from all parts of the state.[1] A freedmen's store was usually operated in connection with the farm, where it was claimed that negroes could purchase supplies at half the prices charged by the privately owned establishments. The wages paid at the farm at Little Rock suggest where the profits went. The acting assistant surgeon and the clerk in the freedmen's store received $100 a month each and the clerk in the superintendent's office received from $60 to $70, while the foreman of the farm received only $50 a month. Nurses of the hospital were paid but thirty-two cents a day, and ordinary laborers only fifty cents. Rather extravagant prices were paid for farm implements. The acting assistant quartermaster reported that Superintendent Sargent, for the period for 1864 and to March 1865, had spent and properly accounted for $8,476.72 more than he had received from the Freedmen's Fund, but added that owing to the absence of certain papers a complete report could not be made. For February, March, and May, 1865, Sargent's department handled $28,974.48 as outside relief to the freedmen.[2] The system failed to sustain itself, but largely for the want of proper management.

Lack of protection was perhaps the greatest obstacle in the way of those interested in working the negro as a free laborer on the plantations. During the spring and summer of 1864 the federal forces in the state were thrown on the defensive, and the Confederates were able to reach all parts of the state not within the immediate vicinity of a federal military post. When a plantation was raided, the lessee and the negroes fled leaving the crops and the farm stock to the

[1] *Report of Supt. of Freedmen*, 1864, p. 71.

[2] Arkansas Manuscripts, Feb., March and May, 1865.

needy enemy. After a year's experience, first under the War Department and then under the Treasury Department, many lessees in Arkansas gave up their plantations because the negroes could not be induced to remain where there was insufficient protection against Confederate raids. General McPherson and General Sherman endeavored to furnish protection,[1] but only a few negroes remained at their work. Though Sherman had but little respect for the system and suggested that it would cost the government $500 for every pound of cotton raised by it, he sent one brigade, and promised others, to protect the planters in Arkansas. He thought it would be better to pension the lessees, and declared that the best way to protect plantations in eastern Arkansas was to throw a large military force on the Ouachita River.[2] President Lincoln gave every encouragement to planters to return to their plantations and institute the free labor system by employing the freedmen. He assured them that reasonable effort would be made to afford government protection, but stated that no interference with existing leases or arrangements would be allowed.[3] Commanders in the field took the position that they could not furnish protection to individual lessees, and were willing to encourage the system only in cases where it could be done with safety to their commands.[4]

In March 1865, local superintendents of freedmen in Arkansas were ordered to register within ten days all freedmen within their jurisdiction and furnish each registrant a certificate of registration. The registry was to show the name, age, place and character of employment, and in case of heads of families, the number and employment of all

[1] *Off. Rec. of Rebellion*, ser. iii, vol. iv, p. 211.

[2] *Off. Rec. of Rebellion*, ser. i, vol. xxxii, pt. iii, p. 57.

[3] Nicolay and Hay, *Lincoln's Complete Works*, vol. ii, pp. 473-474.

[4] *Off. Rec. of Rebellion*, ser. i, vol. xlviii, pt. i, p. 692.

children under the age of twelve. Officials were directed to instruct the blacks that idleness was not to be tolerated, nor the government charged with the support of freedmen who gathered into camps or towns. All unemployed able-bodied freedmen were to be employed by a lessee of a plantation. Citizens were requested to report all cases of vagrancy or unemployment to the superintendent.[1] That step, however, failed to hold the negroes to regular employment. In June post commanders reported that negroes generally were leaving their homes and flocking into camps, while their old masters were anxious to contract for their labor at prices to be determined by the superintendent of the Freedmen's Bureau when he should arrive.[2] Officers of the army were unable to persuade them to contract under fair conditions with their old masters. The constant inflow of supplies from benevolent associations at the North had a bad effect on them.[3] They were not ready to work, so long as charity supplied the bare necessities of life, spiced with such luxuries as boys' summer coats, baby bonnets, penholders, and Sabbath School bells.

On March 3rd, 1865, President Lincoln approved the act providing for the establishment of the Bureau of Refugees, Freedmen, and Abandoned Lands. The act placed all

[1] *Washington Telegraph*, May 31, 1865; *Off. Rec. of Rebellion*, ser. i, pt. i, vol. xlviii, p. 1241.

[2] *Off. Rec. of Rebellion*, ser. i, pt. ii, vol. xlviii, pp. 970, 971, 980.

[3] *Extracts from Documents in the Office of the General Superintendent of Refugees and Freedmen*, March 5, 1865, p. 14. A typical shipment of supplies included: "1 box of clothing, containing 54 chemise, 7 boys shirts, 54 aprons, 7 girls sacks, 13 calico shirts, 11 calico dresses, 26 woolen skirts, 1 woolen sack, 2 woolen dress skirts, 3 boys summer coats, 1 baby bonnet, 2 boys suits (jacket and pants), 1 pr. drawers. Books and stationery: 69 readers, 12 spelling books, 6 arithmetics, 3 geographies, 12 Sabbath school bells, 12 slate pencils, 12 slates, 30 pens, 12 penholders, 6 qrs. paper, 2 packages of envelopes, 1 bottle ink, 35 army blankets."

abandoned lands and all matters relating to refugees and freedmen in or from the insurrectionary states under a bureau in the War Department, at the head of which was to be a single commissioner with power to make rules for carrying out its purposes. For carrying on the work, the law provided that the President might appoint assistant commissioners, not exceeding ten in number, to serve directly under instructions from the commissioner. Under directions of the President, the commissioner was authorized to set aside for the use of loyal refugees and freedmen such lands in the insurrectionary states as had, or might, come into the possession of the United States through abandonment, confiscation, sale, or otherwise. Of such lands there were to be assigned to each male refugee or freedmen not more than forty acres, in the use and enjoyment of which he was to be protected for a term of three years, on the payment of an annual rent of about six per cent of the land's assessed value in 1860. At any time within the three-year period the occupant could purchase his allotment for the sum on which his rents had been calculated, and receive such title as the United States could convey.[1] To tide the refugees and freedmen over the period in which the bureau was getting under way, the Secretary of War was authorized to issue such provisions, clothing, and fuel as he should deem necessary for their immediate and temporary relief.

On May 12th, 1865, General O. O. Howard was assigned to duty as commissioner, and assumed the duties of the office three days later.[2] All commanding officers were ordered to make such temporary details of officers and soldiers as the assistant commissioner might require as aid to the bureau officials in the discharge of their official duties.[3]

[1] *House Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 40.

[2] *Ibid.*, p. 43.

[3] *Ibid.*, p. 41.

On the thirteenth day of June, Howard appointed Brigadier General J. W. Sprague assistant commissioner for the district of Missouri and Arkansas, with headquarters at St. Louis.[1] The first instructions issued to assistant commissioners directed them to hasten to their posts and "do all in their power to quicken and direct the industry of refugees and freedmen." They were charged to exercise great care in granting relief and in rendering the people self-supporting. They were to protect the freedom of the negro, secure to him justice, permit him to choose his own employer, secure his pay, prevent a return to the old overseer system, preserve the integrity of negro families, and encourage among persons of color the institution of marriage.[2] Bureau officers were to act as guardians of all minor freed persons in their respective districts. In October the headquarters of the district were transferred to Arkansas and the operations of the bureau withdrawn from Missouri.[3]

On assuming office Sprague called on all officers of the government, military commanders, and treasury agents for information relating to his problem, and expressed a hope that benevolent associations would continue their work and relieve the government of the expense of educating and caring for the moral and social welfare of the refugees and freedmen.[4] All officers then in charge of refugees and freedmen by military order, were directed to continue their services until otherwise ordered,[5] and all authorities having under their control abandoned lands or property, or funds for the use of freedmen, were directed to turn them over to the officers of the bureau.[6] Before making appointments,

[1] *House Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 46.

[2] *Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 44.

[3] *Ibid.*, p. 31.

[4] *Ex. Docs.*, 39th Cong., 1st Sess., no. 70, p. 67.

[5] *Ibid.*, p. 68.

[6] *Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 41.

Sprague made a short inspection tour into Arkansas, where he visited Helena, DeVall's Bluff, and Little Rock,[1] and ascertained what was being done at other points.[2] On July 10th he made nine assignments, among which was that of W. G. Sargent, of the 63rd United States Colored Infantry, as general superintendent of Arkansas, with headquarters at Little Rock.[3] Other appointments were made on October 12th[4] and before the end of the year the number of officers had reached thirty-five, stationed at twenty-five places in twenty-four counties.[5] Of these officers five were general superintendents, and eight surgeons or assistant surgeons. Only six, including William Colby, general superintendent of schools for refugees and freedmen, were civilians.[6]

It was intended that the assistant commissioners should introduce "practical systems of compensated labor," remove prejudices which were supposed to exist between freedmen and their former masters, impress upon freedmen the necessity of sustaining themselves by their own labor, and remove the false pride which was causing refugees to accept relief from the government rather than to support themselves. Provision was to be made for the aged, infirm and sick, and the ablebodied induced, or forced, to work. Each county, township, or city was to care for its own paupers.[7] The educational and moral advancement of the people was to be encouraged, but was left for material support largely to benevolent and religious associations and the state authorities.[8]

[1] *Ex. Docs.*, 39th Cong., 1st Sess., no. 70, p. 364.

[2] *Ibid.*, p. 366.

[3] *H. Ex. Docs.*, 39th Cong., 1st Sess., no. 70, p. 69.

[4] *Ibid.*, 39th Cong., 1st Sess., no. 70, p. 75.

[5] *Sen. Docs.*, 39th Cong., 2nd Sess., no. 6, p. 30.

[6] *Sen. Docs.*, 1st Sess., no. 27, p. 27.

[7] *Sen. Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 58.

[8] *Ibid.*, p. 44.

For administrative purposes the assistant commissioner was to place in each sub-district of his state at least one agent, with an office accessible to the people. That agent, thoroughly instructed in his duties, was to "institute measures adequate to meet the needs of his districts" in conformity with the rules of the bureau, regulate wages, protect the laborers against "avarice and extortion," and enforce the fulfilment of contracts by both parties.[1] It was suggested that contracts be in writing, and that wages be secured by a lien on the crops or on the land worked. While no definite wages were stipulated, agents were directed to have in mind, when writing contracts, minimum wages based on rates paid for hired labor during slavery. For the enforcement of contracts, the assistant commissioner was authorized to use provost courts, military commissions, or the local civil courts, when freedmen were granted equal rights with other people. Superintendents were directed to take care that no form of compulsory unpaid labor be practiced, even though a little suffering should result. Subordinate officers were instructed to harmonize all elements, assure the people that the bureau was for their benefit, start no ill-advised schemes, live above corruption and prejudice, and do simple justice.[2] They were to explain to all parties concerned, "by constant recapitulation the principles, laws, and regulations of this bureau."[3] These remained the general duties of all bureau officers until January 1st, 1869. When General C. H. Smith became assistant commissioner in 1868 he instructed agents to be careful of their words, visit at stated times every portion of their respective districts, and give ample notice of such visits so that persons having business with them might meet them without trouble.[4]

[1] *Sen. Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 49.

[2] *Washington Telegraph*, August 9th, 1865.

[3] *Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 49.

[4] *Ibid.*, p. 3.

The number and character of agents in Arkansas varied from time to time, as did the location of agencies. It was designed to have an agent for each county or district, but in many places there was no need for them, and in other places hostility on the part of the white people made it inadvisable to place agents among them.[1] In the selection of agents Sprague showed a decided preference for men who had served in colored regiments in the Union army, but was forced in some cases to appoint, not only civilians, but ex-Confederate civilians. E. W. Gantt, a prominent ex-Confederate who had returned to the loyal fold in 1863, was appointed to exercise a general supervision over the bureau's operations in the southwestern portion of the state and to give the freedmen such assurances of protection as would remove all their apprehensions of fraud in making contracts.[2] When it was found that no one else would take charge of such work in White County, J. N. Cypert, a Democrat, accepted the agency and administered its affairs so long as he thought it was serving the ends for which it was established.[3] John M. Bradley, an able lawyer, accepted the agency in Bradley County. It appears that many of the best men in the state were anxious for the bureau to do its work well. As the military forces were withdrawn from the state it became more and more difficult to secure the service of competent men, and many who accepted appointments were able to serve only a short time.[4] Some accepted agencies unwillingly, while others sought them for the remuneration they carried.[5] The salary of a civilian superintendent who de-

[1] *Report of Sec. of War*, 40th Cong., 3rd Sess., p. 1053.

[2] *Sen. Docs.*, 39th Cong., 1st Sess., no. 27, p. 28.

[3] *Debates and Proceedings of Ark. Const. Convention of 1868*, p. 448.

[4] *Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 3.

[5] *Debates and Proceedings of Arkansas Constitutional Convention of 1868*, pp. 437, 449.

voted his whole time to the duties of his office was, as a rule, $100 a month.[1] In some instances the agents proved so dishonest that even the negroes tired of them.[2]

During the first ten months of the bureau's operation agents performed their duties in such a way as to create no very bitter irritation.[3] When it became evident that the institution was to be continued through the enactment of a new law, the ex-Confederates felt that its object was not to guide and protect the negro, but to serve party ends, and regarded its agents as the unscrupulous tools of radical Republicans, who were determined to force on the South negro suffrage and social equality. As that feeling developed bureau agents became very objectionable and often received violent treatment at the hands of the people.[4]

In conformity with the provisions of the act which established the bureau, bureau officials sought diligently to aid refugees and freedmen, either as individuals or in joint stock companies, "in securing titles to land according to law."[5] The property which the bureau authorities hoped to distribute among their wards was classed as; (1) abandoned property, the owner of which should be voluntarily absent and engaged in aiding the rebellion, (2) captured or Confederate property, including all which belonged to the Confederacy, and (3) confiscated property.[6] At first the way seemed open for the establishment of the freedmen on

[1] McPherson, *Reconstruction*, p. 149; Arkansas Mss. June 18th, 1866.

[2] *Debates and Proceedings of Arkansas Constitutional Convention of 1868*, pp. 430, 431, 433.

[3] *H. Reports*, 39th Cong., 1st Sess., no. 30, W. D. Snow's testimony, *Washington Telegraph*, July 12th, 1865.

[4] Clayton, *Aftermath of the Civil War in Arkansas*, pp. 90, 100, 135.

[5] *Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 45.

[6] *Report of Hon. T. D. Eliot, Chairman of Committee of Freedmen's Affairs, March 10th, 1868*, pp. 12-16.

confiscated or abandoned estates.[1] But, as the Confederacy owned no real estate in Arkansas, the only hope of the bureau officials lay in abandoned or confiscated real estate which had belonged to individuals. Very soon after the bureau was organized the commissioner ruled that all abandoned property was to be held by the bureau unless the claimant to it could prove non-abandonment. However, on August 16th, the rule was modified by order of President Johnson so as to require the restoration of abandoned land to its owner, on evidence that he had received a special pardon from the President or had taken the amnesty oath of May 29th, 1865.[2] As the President granted pardons rather freely and made it convenient for the people to take the amnesty oath, the scheme for providing the freedmen homesteads from abandoned lands was defeated.[3] At the same time it was decided that land was not to be regarded as confiscated until the United States had acquired a title to it by condemnation and sale under decree of the United States court for the district in which such land was situated. The only conditions of restoration the bureau official required then were (1) that lands under cultivation by local refugees or freedmen be retained by the occupants until the crops were gathered or compensation made for their labor and its products, (2) that leases be respected until their expiration, and (3) that occupants remain undisturbed until provision had been made for them elsewhere.[4] When owners claimed damages, rent was allowed for the period subsequent to their pardon, but no damages were allowed. Such rulings

[1] *Autobiography of Oliver Oris Howard,* vol. ii, p. 231.

[2] *Ex. Docs.,* 39th Cong., 1st Sess., no. 11, p. 56. Howard's *Autobiography,* vol. ii, p. 235.

[3] *Washington Telegraph,* August 9th and 30th, 1865; Johnson Papers, Oct. 24th, 1865.

[4] *Ex. Docs.,* 39th Cong., 1st Sess., no. 11, p. 7.

enabled bureau agents to hold property at a nominal rent, while worthless refugees and freedmen stripped it of whatever buildings and fencing the ravages of war had left. Moreover, agents leased property for short periods, in order to collect the rent before restoraton could be forced on them.

In December, 1865, the bureau had in its possession in Arkansas and Missouri 18,736 acres of cultivated land and 72 pieces of town property. The greater part of this lay in Arkansas. The assistant commissioner claimed that every facility had been afforded owners to reclaim their property and that notice had been given by advertisement in a daily and weekly newspaper in Little Rock that all property held as abandoned would be restored on proper application.[1] Yet during the year ending October 18th, 1866, only 105 dwellings and 121 pieces of farm land were restored.[2] On November 1st, 1867, the bureau had in its posesssion 39,789 acres of land and 33 pieces of town property, and had restored during the year past 3,400 acres and 5 pieces of town property.[3] On October 24th, 1868, three months after Clayton's inauguration, the bureau still held 27,717 acres of land and 23 pieces of town property, having restored in the twelve months past only 12,070 acres and 10 pieces of town property.[4] By that date it had been decided to restore or drop all land, unless the United States had acquired a title to it by due process of law.[5] And yet, there was no complete restoration or dropping of land in Arkansas until January 1st, 1869, when, by Act of Congress, the bureau was relieved of all control over the lands.[6]

[1] *Sen. Docs.*, 39th Cong., 2nd Sess., no. 6, p. 24.

[2] *Ibid.*, p. 24.

[3] *Report of Sec. of War*, 40th Cong., 2nd Sess., no. 1, p. 622.

[4] *Report of Sec. of War*, 40th Cong., 3rd Sess., p. 1017.

[5] *Ibid.*, p. 1016.

[6] *Report of Sec. of War*, 41st Cong., 2nd Sess., vol. i, p. 497.

Another problem which the bureau was expected to solve was that of adjusting the freedmen to a system of compensated labor. That should not have been difficult in Arkansas. All estimates agree in placing the negro population of the state in 1865 at approximately 110,000 souls, 42,756 of whom were in nine counties.[1] The demand for labor was sufficient to give every freedman employment at reasonable wages.[2] In fact, the dearth of labor was so great that prominent loyal citizens organized a most pretentious immigration aid society,[3] and all classes united in encouraging people to settle in their midst.[4] Though planters, especially the ex-Confederates, were in many cases so impoverished that they could not contract to pay for more than food, clothing, and medical attention for the remainder of 1865, they showed a desire to employ their former slaves. In August of 1865 the planters of Hempstead County held a meeting for the purpose of coming to a general understanding on employing the freedmen and facilitating the work of the bureau.

At the Hempstead County meeting the local agent, J. R. Montgomery, agreed with the planters that "no money wages" could be paid for the remainder of that year.[5] The same course was pursued in other sections. Where money wages were paid they ranged from $15 to $20 a month, and in some cases from $25 to $50.[6] In some instances planters

[1] *Sen. Docs.*, 39th Cong., 2nd Sess., no. 6, p. 23; *National Freedmen*, Oct. 15th, 1865.

[2] *Arkansas Gazette*, August 12th, 1865, quoting one of Howard's inspectors who was then making a tour of the state.

[3] The *Unconditional Union*, Oct. 19th, 1865; *An. Cyc.*, 1865, p. 29.

[4] *Washington Telegraph*, September 20th, 1865.

[5] *Ibid.*, August 2nd, 1865.

[6] *Sen. Docs.*, 39th Cong., 1st Sess., no. 27, p. 28; *An. Cyc.*, 1865, p. 29.

employed freedmen for a share of the crop.[1] Freedmen were employed in large numbers by the United States Government, by the city of Little Rock and by private citizens, all of whom appeared satisfied with their labor.[2] There appears to have been no serious dissatisfaction over contracts and wages during 1865. General Sherman found, on an inspection tour of the Department of Arkansas, that the negroes in Arkansas could all find lucrative employment, and were protected in all their rights and property by the civil authorities.[3] Agents visited plantations, encouraged the negroes to render honest service, and drove the idle ones out of the towns and away from the camps. The negroes enjoyed perfect freedom to seek employment where they desired, no system of passes was allowed to apply to them except on equal terms with whites,[4] and free government transportation to points where they might procure employment was furnished the destitute.[5] No apprenticeship law was allowed to apply to them, unless on the same conditions with other classes. In December, 1865, General Howard reported that the demand for labor was settling society in Arkansas, that the negroes were well employed, that wages were good, and that contracts were well kept.[6] The editor of the Gazette was inclined to believe that the bureau had succeeded in advising the negroes wisely and that they would observe their contracts.[7]

[1] *National Freedmen,* January 15th, 1866, p. 27; *Report of Joint Committee on Reconstruction,* pt. III, p. 71.

[2] *Arkansas Gazette,* August 12th, 1865.

[3] *Sen. Ex. Docs.,* 39th Cong., 1st Sess., no. 20; *Van Buren Press,* February 24th, 1866.

[4] *Ex. Docs.,* 39th Cong., 1st Sess., no. 11, p. 42.

[5] *Ibid.,* p. 58.

[6] *Ibid.,* p. 32.

[7] *Arkansas Gazette,* February 10th, 1866.

During 1866 the whole aspect of the situation changed. The determination of the radicals in Congress to continue the bureau and enlarge its powers exasperated the ex-Confederates. The interference of the agents in labor contracts became more active and small fees for making contracts were levied on the employer.[1] Under the impression that the lands of the ex-Confederates were to be divided among their former slaves, the freedmen refused to make early contracts.[2] Even though planters were offering $20 a month, and food, fuel, cabin, medicine, and medical attendance, they could not secure sufficient labor.[3] Idle negroes loafed about the country or gathered about the bureau agencies.[4] When laborers were brought in from other states, the bureau officials charged that they were being worked at half price and predicted that they would soon demand full wages.[5] There was not much danger of the negro being swindled, so long as the bureau agent kept watch over him and authorized him to leave his employer when "treated with cruelty." Despite the charges that the whites had become proscriptive and were abusing the negro, Sprague reported near the close of the year that the bureau had given satisfaction wherever the community had sustained it.[6] There is no evidence that the freedmen suffered any gross injustice even where the community did not sustain the bureau. As soon as it became clear that there was to be no distribution of land and that the government would not support them in idleness, the negroes became about as

[1] *Ex. Docs.*, 39th Cong., 1st Sess., no. 70, p. 77; *Arkansas Gazette*, August 25th, 1866.

[2] *Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 12.

[3] *Ex. Docs.*, 39th Cong., 1st Sess., no. 70, p. 255.

[4] *Van Buren Press*, April 21, 1866.

[5] *Ex. Docs.*, 39th Cong., 1st Sess., no. 70, p. 213.

[6] *Sen. Docs.*, 39th Cong., 2nd Sess., no. 6, p. 32.

valuable free agricultural laborers as they have ever been, and the whites gradually adjusted themselves to the situation. The petty annoyances which employers continued to suffer at the hands of the bureau agents and the treatment which was accorded the negroes by the whites grew out of political, rather than labor, considerations.

Another function of the bureau was to administer government relief to freedmen and refugees and exercise supervision over all relief work carried on by benevolent societies. Before the organization had been set up in Arkansas it was announced that all relief establishments would be discontinued as soon as the cessation of hostilities and the return to industrial pursuits would permit. Officers were charged to exercise in the meantime great discrimination in granting relief, to the end that none but the "absolutely necessitous and destitute" might be assisted.[1] Loyal refugees, who had left their homes to escape the consequences of their attachment to the Union cause were to receive transportation and food while returning home and protection against destitution after their return. The rations allowed the destitute were rather liberal, but were to be issued only in proportion to the actual needs of each person.[2] During May, 1865, before the bureau assumed the relief work, and while great destitution was reported in many parts of the state, the government issued 75,097 rations to refugees and 46,845 to

[1] *Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 45.

[2] *Ibid.*, p. 47. The ration was: "pork or bacon, 10 ounces, in lieu of fresh beef; fresh beef 16 ounces; flour and soft bread, 16 ounces, twice a week; hard bread, 12 ounces, in lieu of flour or soft bread; corn meal 16 ounces, five times a week; beans, peas or hominy, 10 pounds to 100 rations, sugar, 8 pounds to 100 rations; vinegar, 2 quarts to 100 rations; candles, adamantine or star, 8 ounces to 100 rations; soap 2 pounds to 100 rations; salt 2 pounds to 100 rations; pepper, 2 ounces to 100 rations." Women and children were allowed in addition, roasted rye coffee at 10 pounds or tea at 15 ounces to 100 rations. Children under fourteen were allowed half rations.

freedmen.[1] The civil authorities failed to make any provision whatever for the destitute and suffering.[2] From June 1st, 1865, to September 1st, 1866, there were issued in Missouri and Arkansas 1,705,055 rations, 1,260,565 to refugees and 444,490 to freedmen.[3]

On July 24th, 1865, R. R. Taylor, surgeon of United States volunteers, was assigned to Missouri and Arkansas as assistant surgeon in the bureau, with the design of relieving the medical department of the army of all refugees and freedmen cases, by establishing special hospitals and employing physicians and attendants to attend them.[4] The complete break-up of the old plantation system had left the negroes without medical care, except so far as they were able to apply their own crude remedies; and for two years they had been the victims of mercenary lessees, who appear utterly to have neglected their hygienic and sanitary welfare.[5] By mid-summer, 1865, they were in a most pitiable state. The civil authorities in Arkansas were unable, or unwilling, to afford the sick any assistance whatever. Medical relief was, therefore, a most urgent need, and the organization of that feature of the bureau was pushed with energy. By December 1865 there were in the service in the district two commissioned medical officers, four contract physicians, six male and six female attendants, three hospitals with capacity for 301 patients, and two other establishments with capacity for 450 patients.[6] By October 30th, they

[1] *An. Cyc.*, 1865, p. 29.

[2] *Ex. Docs.*, 39th Cong., 1st Sess., no. 70, p. 213.

[3] *Report of Sec. of War*, 39th Cong., 1st Sess., p. 713. After Oct. 31, 1865, the issue of rations ceased in Missouri. *Ex. Docs.*, 39th Cong., 1st Sess., no. 70, p. 73.

[4] *Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 19.

[5] *Ibid.*, p. 22.

[6] *Ibid.*, p. 20. These other establishments were asylums, colonies or

had treated one hundred six refugees, of whom only sixteen had died and thirty-two had not been dismissed as cured, and one thousand six hundred seventy-one freedmen, of whom but one hundred seventeen had died and six hundred seven had not been dismissed as cured.[1] The average cost of treatment for each patient during the year had been only $2.50 without, or $6.00 with, the initial cost of setting up for the year. On October 18, 1866, Sprague reported that there were in the Arkansas hospitals one hundred ninety-five colored patients, and that medical aid had been given to 3,260 persons. The asylums were largely supported by charities from the North, the bureau furnishing only food for children and a single building.[2] For the ten months ending June 30th, 1867, there was a great increase in the activities of the medical department.[3] During the period of its greatest activity, that is for the year ending June 30th 1868, the number of patients treated in the hospitals increased nearly fourfold, but sank to almost nothing during the succeeding twelve months. The hospitals were improvised establishments, poorly managed, and after 1866 under the sole direction of contract physicians. Where the negroes congregated in towns and indulged in promiscuous visiting, the hospitals served well to check epidemics. It is difficult to see how, without such attention, they could have been saved from the ravages of smallpox and cholera, which attacked them at times with great virulence.

Under instructions issued July 12th, 1865, General Sprague appointed William M. Colby general superintend-

camps. Sometimes they established out-door stations, or regions, in which all the refugees and freedmen were placed under a contract physician.

[1] *Ex. Docs.*, 39th Cong., 1st Sess., no. 11, pp. 20, 21.

[2] The building was at Little Rock.

[3] *Report of Sec. of War*, 40th Cong., 2nd Sess., pp. 630, 631, 633.

ent of refugee and freedmen schools,[1] to cooperate with the state authorities and if possible work out a general system of education for those classes. If that could not be done, he was to take notice of what was being done, secure protection to schools and teachers, "promote methods and efficiency," correspond with the benevolent associations engaged in educational work, and assist the assistant commissioner in making out reports.[2] Since very little progress had been made in the education of the freedmen under the lessee system, Colby had but little to build on. The leading whites realized that it was to their best interest to afford the negro some sort of education, but did not take kindly to educational work carried on under the bureau, because they suspected those engaged in it of encouraging social equality. They were interested in educating the negro, if at all, only as a means of freeing him from the influence of evil emissaries from the North and restoring their own over him.[3] As a rule the whites opposed negro schools and held in contempt the teachers who conducted them.[4] The assistant commissioner complained bitterly that the southern white clergymen would not encourage the work.[5] By advising freedmen to accept employment only where their children could have school advantages, bureau officials succeeded in changing the attitude of many employers.[6] In 1867 many planters became so impressed with the educational work, or with their own need of labor, that they encouraged the establishment of schools on the plantations.[7] Bureau agents always reported

[1] *Sen. Docs.*, 39th Cong., 2nd Sess., no. 6, p. 33.

[2] *Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 49.

[3] *Arkansas Gazette*, September 18 and 28, 1866.

[4] *Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 13; *H. Reports*, 39th Cong., 1st Sess., pt. iii, no. 30, Byers testimony.

[5] *Sen. Docs.*, 39th Cong., 2nd Sess., no. 6, p. 29.

[6] *Ex. Docs.*, 39th Cong., 1st Sess., no. 70, p. 256.

[7] *Report of Sec. of War*, 40th Cong., 2nd Sess., p. 687.

the freed people as displaying a keen thirst for knowledge.[1]

Bureau officials were authorized to use public or abandoned buildings for school purposes, when not used for military purposes, but they were never able to supply the demand for school houses. In 1867 it became the ambition of the authorities "to dot the state all over with school houses as quickly as possible," but the expense of building them was to be borne by the freedmen. The assistant commissioner announced that aid would be given in the erection and furnishing of school buildings only when a board of freedmen, approved by the bureau, held a clear title to the land necessary for school purposes. His agents were sent throughout their districts to speak to the people on education and advise with them on school questions,[2] but the state was not dotted with school houses. The freedmen were represented as anxious to pay for their education, but prevented by poverty. From November, 1865, to September, 1866, they paid 33 per cent of the cost of instruction. And of the thirty teachers employed in 1866, the Indiana Friends supported twelve, the Western Department of the American Freedmen's Aid Commission nine, and nine were independent. During the first six months of 1867, the bureau expended for schools, asylums, construction and rental of school buildings, and transportation for teachers $8,077.98.[3]

The number of schools opened, teachers employed, and pupils in attendance varied greatly from time to time, but showed a general increase.[4] There were two classes of schools, day schools and Sabbath schools. Occasionally a

[1] *Report of Sec. of War*, 40th Cong., 2nd Sess., p. 687.

[2] *Report of Sec. of War*, 40th Cong., 3rd Sess., p. 1054.

[3] *Report of Sec. of War*, 40th Cong., 2nd Sess., p. 653.

[4] *Ibid.*, p. 687.

night school was opened. The subjects taught were the alphabet, arithmetic, geography, writing, and "higher branches." The teachers varied in their qualifications from "both skilled and efficient" to acquirements "limited to the merest rudiments of knowledge."[1] The colored teachers, of whom there were five in 1866, were rather poorly prepared for their work. It is highly probable, however, that the men and women who engaged to teach in such schools supplied in devotion and sacrifice what they lacked in knowledge. Schools were so well managed and the teachers elected with such discretion, it was claimed, that the opposition to their work was very much reduced.[2]

A few reports will suggest the scope and development of the work. Early in 1866, there were in Arkansas eighteen schools and nineteen teachers, with 1569 pupils, exclusive of all schools on plantations.[3] A little more than a month later there were reported 1,361 pupils in regularly organized schools, exclusive of thirty or forty schools on plantations.[4] By November 1st, 1866, there were thirty schools, twenty-eight teachers, and 1,584 pupils.[5] For the year ending June 30th, 1868, there were twenty-seven day and night schools with thirty-three teachers and 1,613 pupils, and twenty-four Sabbath schools, with one hundred eighteen teachers and 1,847 pupils. There were at that time two "high or training schools," with one hundred thirty-four pupils.[6] After 1867, the carpetbaggers, especially Logan H. Roots, took a lively interest in the Sabbath school work.

[1] *Report of Sec. of War*, 39th Cong., 2nd Sess., p. 750.

[2] *Ibid.*, 40th Cong., 2nd Sess., p. 687.

[3] *Ex. Docs.*, 39th Cong., 1st Sess., no. 70, p. 256.

[4] *Ibid.*, p. 213.

[5] *Report of Sec. of War*, 39th Cong., 2nd Sess., p. 750.

[6] *Report of Sec. of War*, 40th Cong., 3rd Sess., p. 519.

Considering the nature of their problem, the unsympathetic attitude of the whites, and the meager resources at their command, it is not surprising that the teachers produced no startling results. However insignificant the fruits, it was a great agency in initiating the negro into American citizenship.

The bureau was charged with the administration of justice in certain cases. The first instructions to assistant commissioners directed that they secure the freedom of freedmen, and that when for any reason the negro's rights before the law were denied, they adjudicate, "either themselves or through officers of their appointment, all difficulties arising between negroes and whites or Indians, except those in military service, so far as recognizable by the military authorities, and not taken cognizance of by other tribunals, civil or military, of the United States." [1] On this authority freedmen's cases were tried by either provost courts or freedmen's courts, the later being used when the former appeared to deny the negro full justice.[2] A freedmen's court was composed of three members, usually one officer of the bureau and two citizens of the county, appointed by the assistant commissioner and approved by the commissioner. Their jurisdiction extended to all cases relating to compensation for labor of refugees and freedmen, to all cases between refugees and freedmen and other persons, where the amount involved did not exceed $300, and to all offences committed by or against freedmen, provided the punishment did not exceed a fine of $100 or thirty days in prison.[3]

Late in October, 1865, Sprague, with the avowed purpose of securing a "full and fair administration of justice throughout the state through the instumentality of the

[1] *Ex. Docs.*, 39th Cong., 1st Sess., no. 11, p. 45.

[2] *Ibid.*, pp. 22, 45.

[3] *Report of Sec. of War*, 39th Cong., 2nd Sess., p. 719.

citizens of the State," appointed a number of civilian superintendents, and authorized them to administer justice in all cases where the civil law was interrupted, or in which the local courts, by reason of the old code of the state, should disregard the negro's rights, especially the right of testifying in the courts. They were to be guided by the state laws then in force, provided such laws made no distinctions on account of color, and to proceed and determine cases in all respects the same as in the state courts. The only departure from state laws was in the enforcement of contracts. In such cases the bureau ruled that the enticement of a freedman to violate his labor contract was a finable offence, and that, if a freedman under contract for labor should leave his employer without just cause, the employer should be entitled to whatever wages the freedman might earn, from the day on which the employer should serve notice on him through the bureau, until he should return to work.[1] Each superintendent, before serving on a freedmen court, was required to take the official bureau oath and give bond for the faithful performance of his duty.[2] After the enactment of the law continuing in force the Bureau of Refugees, Freedmen and Abandoned Lands, members of bureau courts, who were not paid agents were authorized to collect from the parties interested in cases tried before them daily compensation of not more than five dollars. Governor Murphy fully endorsed the new system and enjoined all civil officers and citizens to aid and encourage the agents in carrying it out. General Reynolds, commanding the Department of Arkansas, ordered all military officers to give it their full support.[3]

[1] *Sen. Ex. Docs.*, 39th Cong., 2nd Sess., no. 6, p. 31.

[2] *Report of Sec. of War*, 40th Cong., 2nd Sess., p. 719.

[3] *Ex. Docs.*, 39th Cong., 1st Sess., no. 70, pp. 77, 78.

It is clear that Sprague intended no interference with the civil courts so long as they afforded the negro justice. But how was it to be determined when the negro was receiving justice in the courts? Who was to decide that delicate question? At just this point arose practically all of the trouble the bureau gave the civil courts. When Sprague instituted his plan, all the courts of the state were in operation.[1] The judicial authorities, from the supreme court justices to the justices of the peace, had been regularly elected by the loyal people of the state, or appointed by a loyal governor, under authority of a constitution framed and ratified by only loyal voters. They were administering only such laws as had been made or accepted, by a supposedly loyal general assembly. It appears that the negro was enjoying the right "to make contracts, sue and be sued, acquire and dispose of property, real and personal, the same as whites," though there was no positive law to that effect.[2] They had always enjoyed the right to testify in cases in which the defendant was a negro and the state was prosecutor,[3] and after the reorganization of the courts under the constitution of 1864 the right was extended to other cases.[4] After the enactment of the civil rights law, a justice of the City Court of Little Rock, who refused to receive negro testimony, was arrested and placed under bond by the United States Commissioner to answer at the next term of court. That was sufficient to restrain other judges from rejecting negro testimony.

The blacks had never been allowed to serve on juries, and

[1] *H. Reports*, 39th Cong., 1st Sess., no. 30, pt. ii. W. D. Snow's testimony.

[2] *H. Report*, 39th Cong., 1st Sess., no. 30.

[3] *Debates and Proceedings of the Arkansas, Const. Conv. of 1868*, p. 461.

[4] *Ibid.*, p. 472. Statement of James Hinds, a radical carpetbag member of the convention.

the legislature which enacted the first law defining the rights of persons of African descent specifically denied them that right, together with those of marrying with whites, voting, and serving in the militia.[1] However, many of the best lawyers of the state represented freedmen without compensation.[2] The friends of civil government insisted that freedmen received impartial justice in the state courts, and pointed out the fact that the courts were not responsible, when a negro's rights were violated and the case did not reach the courts. Bureau agents asserted repeatedly that public sentiment was such that the courts could not afford negroes justice, but were able to adduce in support of their asseverations only rumors that negroes were being abused by whites. In the autumn of 1866 the adjutant general of the state, in reporting on the evidences of a proscriptive spirit on the part of the rebel element, failed to show cases where the negro had been denied justice.[3] After the enactment to continue the bureau, July 1866, despite all rumors that freedmen were denied justice, jurisdiction over all cases except labor contracts was transferred to the state courts or to the military authorities.[4] It was just as difficult then as before or since to determine whether the courts administered impartial justice.

The organization of the bureau was not materially changed while it operated in the state. General Sprague, General E. O. C. Ord, and General C. H. Smith successively held the position of assistant commissioner, but there was little change in policy. After Arkansas became a part of the fourth

[1] *Acts of Arkansas*, 1866, p. 98.

[2] *Debates and Proceedings of the Arkansas Constitutional Convention of 1868*, p. 445. *Miscellaneous Documents*, 39th Cong., 2nd Sess., no. 14, p. 2.

[3] *Ho. Miscellaneous Docs.*, 39th Cong., 2nd Sess., no. 15.

[4] *Report of Sec. of War*, 39th Cong., 2nd Sess., p. 718.

military district under the reconstruction acts, the bureau as well as the state courts, administered justice, if at all, under the supervision of the military authorities. It retained jurisdiction over all cases of labor contracts, and exercised its authority with no special regard to the rights of the employer. While its agents sometimes arrested men, denied them the writ of habeas corpus, and threw them into prison, there is no evidence of any wholesale invasion of the rights of the citizen. It was the occasional exhibition of gross partisanship by bureau courts which exasperated the white people.[1] Employers resented the presence of such an irresponsible agency, holding itself ever ready to charge them with bad faith and cruelty towards the negro, while its own representatives defrauded him at will. Their antagonism became especially strong when they discovered that the bureau was the chief agency through which the Republicans were forcing congressional reconstruction on the state. They objected especially to the fact that it was supported by United States soldiers.[2]

On December 14th, 1867, bureau officials and commanders of troops were ordered to assist the civil authorities in suppressing vagrancy and crime. The civil authorities were not to be interfered with in the execution of their duties, and were authorized to call on General Smith, commanding the sub-district of Arkansas, for assistance in case they were too weak to enforce their authority.[3] On January 21st, 1868, all cases except those committed to the bureau by act

[1] *Debates and Proceedings*, p. 447. It was reported and believed that a bureau court had fined a white man $25 for throwing at a negro a stone, which the negro testified weighed seventy-five pounds and was thrown a distance of eighty yards.

[2] *Ex. Docs.*, 39th Cong., 1st Sess., no. 71, p. 3. On the ninth of January, 1866, there were stationed in Arkansas 2,906 white, and 5,661 colored troops of the volunteer army, and 1,348 of the regular army.

[3] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 342, p. 151.

of Congress were restored to the civil courts.[1] Throughout the early part of 1868, the bureau's activities were gradually curtailed. By the third day of July, 1868, the state was completely reconstructed, and twenty-three days thereafter the assistant commissioner ordered all agents to exercise no authority not in harmony with the laws of the state.[2] After that date the bureau was restricted to its educational work and to the collection and payment of claims of soldiers and sailors against the government. The agents, however, were not dismissed, but by circular No. 9, issued September 16th, were directed to continue their efforts in behalf of the freedmen, advise with them, and gain their confidence. It was a faithful compliance with this circular which made the Freedmen's Bureau such an evil factor in state politics.

[1] *Daily Republican*, February 14, 1868.

[2] *Report of Sec. of War*, 40th Cong., 3rd Sess., p. 1054.

CHAPTER VIII

The Constitutional Convention of 1868

The delegates to the constitutional convention assembled in the hall of the House of Representatives at Little Rock, at 11 A. M. January 7th, 1868. On the first roll call fifty-one responded and presented as certificates of election copies of general orders No. 43, furnished from military headquarters. The program had been so carefully planned that within two hours and twenty-five minutes they had made a temporary organization, passed on the certificates of election, formulated and administered an oath of office to each delegate present, and effected a permanent organization.[1] In the election of the convention officers party lines were drawn and a clear show of strength made. An effort of the Conservatives to postpone permanent organization until the following day, when other delegates should have arrived, was ignored. They elected as president Thomas M. Bowen, who it was charged had come to the state in 1863 and by his barbarous treatment of "helpless men and unprotected women" in an effort to extort money from them had established a reputation for villainy which he sustained throughout his public career in the state.[2] As he had no taxable property in the state, was ignorant of parliamentary practice, and a devoted partisan, he was well suited to the pur-

[1] *Debates and Proceedings of the Ark. Const. Conv. of 1868*, p. 44. In the temporary organization O. P. Snyder, of Jefferson County, was chairman, John N. Sarber of Johnson, Sec. and John H. Hutchinson, of Arkansas County assistant secretary.

[2] *Van Buren Press*, February 14 and 28, 1868.

poses of the majority.[1] In the election of a convention president the Conservatives gave six votes to two candidates, for the sole purpose of placing themselves straight with their constituents. In the distribution of the offices the Conservatives and negroes received slight consideration. The Conservatives were left out altogether, while only three negroes received so much as minor appointments. Though it was pointed out that there was no need for assistant doorkeepers, assistant secretaries, or a postmaster, nevertheless such officers were provided for and chosen from the radical element of the Republicans.

The presence of negroes and radical whites in a convention to frame a constitution for the great body of disfranchised property owners brought from the conservative press bitter denunciation. The *Van Buren Press* said the purpose of the convention was primarily that "of giving silly negroes and dishonest white men an opportunity of seeing a big town, free of expense directly to themselves, and to sit in arm chairs in the state house, and look as knowingly as owls, board at the Anthony House, go to see old Governor Murphy, at will, and listen to long 'loyal talks'." "This", it said, "will be a rich congregation. We sincerely pity the decent people of Little Rock whose sense of smell is sensitive."[2] The convention was characterized as the "menagerie," "the bastard collection," "the mongrel assemblage," and "a compound of villainy and indecency." The *Daily Republican,* in announcing the fact that letters had been received from all Republican delegates, was "pleased to state for the benefit of all concerned, that each and every one of them can write his name," a thing not true of every Democratic body.[3] On the second day of the convention,

[1] *Van Buren Press,* February 28, 1868.

[2] *Van Buren Press,* December 13, 1867.

[3] *Daily Republican,* December 26, 1867.

the same editor said: "it is evidently composed of intelligent and practical men and it gives us pleasure to assure our readers that every member of the convention can read and write, and that, too, without running out his tongue or distorting his countenance in the effort." [1]

Of the nine native Arkansans, ranging in age from twenty-two to thirty-four years, three were negroes. Six counties returned eight negro delegates, but from only one—Chicot—was the negro the sole representative.[2] In no other county did the negroes furnish a majority of the delegates. In Hempstead County they had one out of four, in Jefferson one out of four, in Lafayette one of two, in Phillips and Pulaski each two out of four. Of these counties only Hempstead had a majority of white votes, the other five having large black majorities. Five valley counties with heavy negro majorities returned no negro delegates.[3] Of the eight negro delegates, one was a postmaster, two were farmers, four ministers, and one a planter. Two were from North Carolina, one from Indiana, one from the District of Columbia, and one from regions unknown. It seems that the blacks made little effort to elect delegates of their own race.

Only where the negroes had an overwhelming majority of the voters and were gathered in numbers sufficient to influence radical agencies did they receive consideration in the selection of candidates. On the basis of votes cast for the convention the negroes should have had something more than thirty delegates. Except for slight manifestations of a vindictive spirit on the part of two or three of their class, they bore themselves with becoming moderation.[4] Four of

[1] *D. Repub.*, January 8, 1868.

[2] Chicot, Jefferson, Hempstead, Lafayette, Phillips and Pulaski.

[3] Arkansas, Crittenden, Desha, Little River and Monroe.

[4] *Debates and Proceedings*, 1868, pp. 629, 645.

them appear to have taken no part in the debates, but were ready at all times to vote as their white leaders suggested. Four took a more or less lively part in the discussion of questions which concerned the negro primarily. Grey, the leading negro delegate, was an orator of considerable ability and commended himself to all factions as an honorable man. John M. Bradley, the member most likely to discover fault in the negro delegates, in the heat of excited debate turned to Gray and said: "You are an honorable man, sir, despite your color, and your kinky hair, and I have found you such." [1] The negro delegates showed less inclination than their radical white friends to squander the people's money and indulge in party schemes. On one occasion, when the interests of the party and the party leaders sought to use negro delegates in the perpetration of fraud, their sense of honor proved too strong for the most subtle persuasions of the radical whites.[2]

The carpetbaggers, or men who had taken residence in the state since the outbreak of the war, and had identified themselves with the political forces working for control of the offices and resources of the state through immediate reconstruction along the lines laid down by the Republican party, had twenty-three representatives.[3] Their influence, however, was out of all proportion to their number. They

[1] *Debates and Proceedings*, 1868, p. 655.

[2] *Proceedings*, pp. 526-535. The Committee on the Penitentiary investigated that institution, but couldn't agree on a report. The majority planned to take occasion to denounce the legislature which let the contract but fully endorse the management of the lessee, who happened to be a good radical delegate in the convention and a valuable party tool. The two negro members made a minority report, in which they refused to pass on the legality of the legislature which let the contract and condemned the management of the institution. The party managers sought by devious ways to suppress the minority report, but the negroes, while showing great anxiety to remain faithful to their leaders, stood by their report until it was spread on the journal.

[3] *Debates and Proceedings*, 1868, pp. 4-10.

represented a class of citizens estimated at five hundred souls, but no question which they opposed could attract more than fifteen votes.[1] Among these, Joseph Brooks, a fanatical minister lately from Iowa, and James Hinds, a lawyer from New York, were acknowledged leaders. They were great favorites with the carpetbaggers and negroes. Since their arrival in the state in 1865, they had been active in the cultivation of the freedmen. They were accustomed to attend negro meetings, where Brooks would preach and Hinds exhort the freedmen to be very jealous of the rights and benefits which had come to them in the new order of things. In the convention and out, they were the unrivaled champions of the full recognition of the rights of the freedmen, and demanded reconstruction from top to bottom on a broad interpretation of the reconstruction acts. The President and four of the six Vice-Presidents of the convention were from this group. They controlled a majority of all committees and held nineteen of the twenty-six standing committee chairmanships. With them acted about thirty other white delegates, loosely denominated "scalawags," whose chief contribution was hearty cooperation with their leaders.[2]

On several committees the Conservatives had no representatives whatever, and in only two cases did they receive a chairmanship.[3] Cypert, of White County, and Bradley

[1] Johnson Papers, July 28, 1868, ex-Sen. R. W. Johnson to A. Johnson. Sen. Johnson declared that the radical whites numbered between 250 and 500 with a white following of 5000 of the "corrupt, the criminal, the ignorant, the bewildered."

[2] A scalawag was a native or southern-born white who affiliated with the Republican party.

[3] *Debates and Proceedings*, 1868, pp. 13-16. Cypert was chairman of the Committee on Revising the Journal, and Bradley, who had been elected as a Republican but had changed his political flavor after the Republican State Convention passed him by in its selection of candidates for Congress, was chairman of the Committee on Boundaries.

of Bradley County, were the leaders of the little group of Conservatives. They had lived many years in the state and had been closely identified with the planting and professional classes. Both had been prominent in the legal fraternity and in politics before and during the war, and had actively supported the Confederacy throughout its course. They represented faithfully the property-owning, tax-paying, intelligent, "white man's party," which claimed to include all who desired the return of peace and economy under the constitution of the United States as proclaimed by the white men who framed it, and who were not engaged in secret plots with ignorant and deluded negroes to establish arbitrary government under negro supremacy.[1] Conscious of their inability to save the state from radicalism, they directed their energies to securing moderate radicalism. They denied the constitutionality of the convention, pleaded for economy, declaimed against negro suffrage and its concomitants, and sought to discredit the character and purposes of the Republicans, especially the more radical ones.

When it became evident that the majority was inclined to extravagance and proposed to enter the field of general legislation, the Conservatives made an effort to define the powers and duties of the convention. The work of this body, so far as prescribed at all, was embodied in the fifth section of the Act of March 2nd and the fourth section of the Act of March 23rd, 1867. The second of these acts provided that the convention, when assembled, should "proceed to frame a constitution and civil government according to this act, and the act to which it is supplementary." The act to which it was supplementary stipulated that the constitution when framed should be in conformity to the constitution of the United States, and should provide

[1] *Van Buren Press*, January 10, 1868.

that the elective franchise be enjoyed by all who were by that act authorized to vote for delegates to the convention. It was authorized to prescribe the fees, salaries and compensation of its own officers, agents, and delegates, not otherwise provided for, and to provide for the levy and collection of a tax on the property in the state to pay them. Certain requirements were here clearly expressed, and reconstruction on any other line was impossible. The Conservatives, seeking to limit the activities of the convention as much as possible, made an issue on its right either to pass on contested elections or to promulgate ordinances which did not relate to its prescribed duties. Conservatives argued that the convention was not a normal constitutional convention, enjoying full constituent powers, and that beyond providing for its own expenses could do nothing which was not a part of the constitution which was to be submitted to the people. Cypert denied the right of delegates, elected under a law enacted by Congress and carried out by the military authority of the United States, to enter into the field of general legislation.[1] The majority, on the contrary, held that the convention, while bound to do certain specified things, might exercise sovereign powers on other matters, and a resolution to define its powers and duties was tabled by a vote of 47 to 17.[2]

Five days after refusing to define its powers, the committee on elections reported that they entertained no doubt as to the competency and power of the convention to pass on the qualification of its own members and consequently to inquire into the facts connected with their election.[3]

[1] *Gazette*, January 22, 1868.

[2] *Debates and Proceedings*, 1868, p. 180. This decided vote, however, failed to settle the question, and throughout the session members in explaining their votes expressed the opinion that the convention had no power not expressly granted it.

[3] *Debates and Proceedings*, p. 252.

That report, though not adopted until after the lapse of twenty days,[1] cleared the way for the production of campaign material. It was very necessary to the Republicans that they commend their work and principles to the electorate, and that could not be done by submitting to them a bare constitution coupled with heavy additional taxes. It was necessary to the Conservatives that they present the work and principles of the Republicans in an objectionable light. Such party exigencies reduced the deliberations of the constituent assembly to little more than party maneuverings. This aspect of the situation was intensified by party activities on the outside. During the month of January both parties held state conventions in the city of Little Rock,[2] and greatly stimulated their respective delegates in the constitutional convention.

Assuming that the convention possessed all sovereign power not specifically denied it by the acts of Congress, it "slashed around" on questions clearly without the province of a constituent assembly.[3] The method followed by the majority was to resolve, investigate, recommend, and memorialize, with the purpose of exhibiting the evils of the old Democratic regime and setting forth their own promises of reform. The welfare of the destitute poor, the constitution of 1864 and the state government under it, the improvement of levees and rivers, the state printing, the affairs of the Little Rock and Ft. Smith Railway Company, the continuance of the Freedmen's Bureau, the state penitentiary, the cotton tax, the state's assets, the sale of the Hot Springs Reservation, the intermarriage of the races, female suffrage, and the change and location of

[1] *Debates and Proceedings*, p. 743.

[2] The Republicans on January 15, and the Democrats on January 27.

[3] *Gazette*, January 25, 1868.

county seats, all came in for ample consideration. The debates on these questions were essentially party declarations, and consumed approximately one-third of their fifty-six sessions. A resolution would be introduced and referred to a committee, whose report usually presented all the party issues involved in the question under consideration. From the consideration of the reports the campaign material was ground out in speeches intended, not for the elucidation of the questions, but for the party managers.

The question of compensation received early attention. On the fourth day of the convention the committee on finance, taxation, public debt and expenditures reported an ordinance to lay a tax of one-half of one per cent on the taxable property of the state for this purpose, and proposed that it be added to the tax of 1867 and collected by the regular collectors and paid into the treasury by June 1st, 1868.[1] It was argued that this slight increase of taxation would yield $215,000 without exceeding the tax of 1866.[2] The demand for money was described by one carpetbag member as "urgent."[3] Mr. Cypert proposed a poll tax of one dollar on each registered voter in the state.[4] Both propositions were made a special order of the day one week thereafter. The willingness to postpone action on the tax propositions was due to a happy inspiration which suggested that they might satisfy their immediate needs from funds already in the treasury. To accomplish that object a resolution was adopted instructing the committee on memorials and ordinances to inquire into the propriety of such action, memorialize the commanding

[1] *Debates and Proceedings*, p. 72.

[2] *Ibid.*, p. 73. The tax of 1867 had been somewhat reduced by the legislature of 1866-1867.

[3] *Ibid.*, p. 72.

[4] *Ibid.*, p. 77.

general for his approval, and report by ordinance or otherwise.[1] The outcome was the passage of an ordinance, January 18th, to appropriate out of the treasury $75,000 "for the payment of the per diem and mileage of delegates and other necessary expenses."[2] This action was defended as reasonable and more economical than a special tax. When the proposition of a poll tax was again offered by the Conservatives, the majority leaders pronounced it an attempt to tax "a certain class of people" and rejected it by a vote of 52 to 8.[3] Thereupon the tax ordinance first proposed was amended by reducing the rate to one-fourth of one per cent, adding it to the tax of 1868, and requiring collection by June 1st, 1869.[4] On reconsideration two days after its passage the ordinance was further amended so as to make delegates' claims payable "out of any funds arising from taxation that may come into the treasury after the passage of this ordinance."[5] By that stage certain delegates were acknowledged to be "without money and without friends,"[6] pressed by "stern necessity" and "clamorous, here, for money" to meet the demands of boarding-house keepers.[7] A messenger, Asa Hodges, was sent immediately to Vicksburg to present to General Gillem estimates of the convention's expenses and to secure his endorsement of the plan for meeting them.[8] On February 11th, the president laid before the convention a communication from General Gillem endorsing the tax

[1] *Debates and Proceedings*, p. 79.
[2] *Ibid.*, p. 175.
[3] *Ibid.*, p. 188.
[4] *Ibid.*, p. 189.
[5] *Ibid.*, p. 313.
[6] *Ibid.*, p. 209.
[7] *Ibid.*, p. 269.
[8] *Ibid.*, p. 319.

ordinance and authorizing Treasurer Page to pay accounts to the amount of $50,000 by the sale of United States bonds held by the state.[1] The decision to place the expense incurred under the schedule of the constitution on the same basis as the claims of the delegates set up a general rush for securing certificates of attendance.

There should have been no anxiety about securing compensation, for the total sum due members for attendance, based on full membership and entire time, was only $22,277.[2] Allowing mileage to an equal amount there should have been available $5,446 for other expenses.[3] Add to this the two thousand dollars allowed, but not paid, to the four delegates who did not attend, and there was more than $7,000 for other purposes. This sum appears adequate, when it is remembered that fuel and lights were furnished by the state and not charged to the convention. There was method in the rush for pay. The delegates could not know just how the expenses had mounted up. They had employed officers for whom no work could be found,[4] and had voted extra pay for the assistant secretaries and the official stenographer.[5] For their intellectual edification they voted each officer and member ten daily newspapers or that equivalent in weeklies.[6] They declined to compensate the deputy sheriffs whom General Ord had appointed to

[1] *Debates and Proceedings*, p. 686.

[2] *Ibid.* Four delegates did not appear and some of the others were not allowed full pay.

[3] A liberal estimate would place the mileage, if calculated honestly, at no more than $6,000. However, there was actually paid to officers and members for per diem and mileage $49,980.66. (*House Journal*, 1868, p. 141).

[4] *Debates and Proceedings*, pp. 223, 538, 700, 749.

[5] *Ibid.*, p. 56.

[6] *Ibid.*, p. 56.

preserve order at the November election[1] but allowed per diem and mileage to unsuccessful contestants for seats in the convention.[2] Certain delayed delegates were allowed per diem for full time.[3]

After a long discussion, in which most of the propositions and arguments were designed for the approaching campaign, the compensation of members was fixed "at eight dollars per day during the actual sitting of the convention, and the same amount for each day's travel in coming to and returning from the convention, estimating thirty miles to be a day's travel, and computing the same by the nearest and most practicable route furnishing public transportation." Mileage was fixed at twenty cents a mile each way and by the same route. The president was allowed sixteen dollars a day, and the chaplain eight dollars, with the same mileage privileges as members. The compensation for others was twelve dollars a day for the secretary, ten dollars for each assistant secretary, eight dollars for the sergeant-at-arms, eight dollars each for the assistant sergeant-at-arms, eight dollars for the doorkeeper, eight dollars for each assistant doorkeeper, eight for the postmaster, and three dollars each for the pages.[4]

Rejecting all propositions to let the state printing to the lowest bidder, the convention elected John G. Price printer for both the convention and the state.[5] A contract with him was to go into effect immediately and cover every form of printing not already delivered, at the rate fixed by law. The number of copies of the resolutions, memorials

[1] *Debates and Proceedings*, pp. 157, 196, 740.

[2] *Ibid.*, p. 697.

[3] *Ibid.*, p. 692.

[4] *Ibid.*, pp. 822, 832.

[5] Price was secretary of the convention and editor of the *Daily Republican*.

and ordinances ordered printed for the members was all along abundant, but just before adjournment a resolution was passed that "five hundred copies of all memorials and ordinances" [1] and seventy-five thousand copies of the constitution be printed for use of members of the convention.[2] Not satisfied with that, the secretary of the convention was ordered to superintend the printing of the official journal and debates of the convention, read the proof, and distribute the volumes, at "such reasonable customary fees as the president of the convention may award him therefor." [3] One thousand copies of the publication were to be distributed among the counties on the basis of representation in the convention, five "neatly bound" copies to each of the delegates and officers, five copies to the suprem court library, twenty copies to the secretary of state, and one copy each to the public libraries in the United States.

Though clear of gross corruption in financial matters, the convention left numerous evidences of the majority's willingness to provide for certain impecuneous individuals and to strengthen the Republican party machine at the expense of the public. After allowances for the general rise in prices and in compensation of public servants, the per diem and mileage rates were excessive. Full per diem and mileage was voted members who never attended a session of the convention as a matter of party interest. A delegate who lived only one hundred forty miles from Little Rock was permitted to draw mileage for nine hundred miles without protest. The expense of sending a messenger to Vicksburg to secure General Gillem's approval of the plan to draw on funds already in the treasury was incurred

[1] *Debates and Proceedings*, p. 738.

[2] *Ibid.*, p. 685.

[3] *Ibid.*, p. 744.

for the sole purpose of hastening their own pay by a very few days. The outlay for newspapers for the use of the delegates was made to encourage the struggling Republican papers then springing up over the state, as well as to discount the Conservative charge that many Republican members could not read. No more effective scheme for taxing the people for the party in power could have been devised than the contract with the public printer. By the terms of that contract every item of printing ordered by the convention and later by the state was to be awarded to the editor of the central organ of the local Republican party to be paid for supervising the work at rates fixed by the president of the convention, a virtual stranger in the state, who allowed $19,479.36 for printing the journal of the convention and the constitution. It was largely due to such practices as these that the convention cost the state $187,000.

The task of making a constitution was begun on the sixth day of the convention, when a resolution was adopted to refer the three departments of government to appropriate committees. Thereupon, Cypert offered an ordinance to submit to the people for ratification the constitution of 1864. Since both parties had completely reversed positions on that instrument since its adoption Cypert's proposition raised the whole issue between the Conservatives and Republicans, and precipitated a heated debate which consumed two daily sessions at a cost of several thousand dollars to the state. Cypert and his colleagues now defended that constitution and the government under it as loyal, regular, revered by the people, republican in form, and fully recognized by the executive department of the United States government. The Republicans, led by Brooks and Grey, denounced it as disloyal, irregular, provisional, and unrepublican in form. Cypert insisted that the attempt to set that government aside was the work of "men who have

no interest in the State of Arkansas—the can't stay-at-homes elsewhere" under the "inspiration of a revolutionary political party, which sends its orders to the club-rooms at Little Rock" that "the calf must be licked again."[1] He declared the reconstruction legislation of Congress unconstitutional, and asserted that according to the Supreme Court of the United States the negro could not be a citizen. He pointed out the questionable interest the carpetbaggers could have in the state of Arkansas, and invited their chief, Joseph Brooks, to take "his carpetpack and go back to Iowa, whence he came." He challenged the reconstructers "to meet the question seriously and fairly and let ridicule, jeers, and spite be laid aside," and appeal to them not to force on Arkansas "a measure which the people of Ohio, of Kansas, of Minnesota, had rejected."

The radical views were set forth by Grey and Brooks. Grey asserted that the negro could be a citizen, and arrayed Justice Curtis' opinion in the Dred Scott case, extracts from Greeley's American Conflict, and a review of the history of the negro in support of his assertion. In proof of the capacity of the negro to exercise the franchise as intelligently as the uneducated or poor whites, he said: "When we look over the broad expanse of this great country, we can but admit that we have borrowed largely, almost to the despoiling of our neighbors, not only of the outward signs of civilization, but the virtues of manhood and womanhood, and even the best blood that flows in their veins." Grey doubted the willingness of the white men to voluntarily secure to the negro his rights. "Give us," said he, "the right of suffrage; establish a school system that will give us opportunities to educate our children; leave ajar the door that leads to peace and power; and if by the next generation we do not place ourselves beyond the reach of mortal

[1] *Debates and Proceedings*, pp. 88 *et seq.*

man, why, then take them away from us if not exercised properly." [1] He demanded for his race the rights asserted in the Declaration of Independence and secured by the constitution of the United States. Willing to forget the past and "wrap the winding-sheet of oblivion over the sod that contained the bones of his oppressed ancestors," Grey declared that the negro could "only vote for those men who will nail negro suffrage to their mast-heads; and wherever we see their plumes advancing in the smoke of this political contest, we will follow in a solid phalanx." [2] This should have closed the debate, for nothing new was advanced during the vituperative wrangle which followed. Brooks, however, kindly reminded the friend of the constitution of 1864 that just after the close of the war they "denounced this very provisional government." [3] He denied every proposition advanced by Cypert and asserted that reconstruction could be accomplished only by giving the negro the ballot. "If", said he, "I am to choose between the *odor* of my constituents and the smell of treason, which 'smells to Heaven,' I affiliate over this way to all eternity." As a party program, he announced that the Republicans would give the negro the ballot and reconstruct and reinaugurate a civil government and administer it by men true to the country and loyal to the flag.

After this display of hot temper, Cypert's ordinance was defeated. In the course of the debate the majority had made it clear that the constitution of 1864 and the state government under it were inadequate. Grey had declared that a different constitution and a different government were required by the negroes, and he had pledged the vote of his race to the white men who stood for the largest measure of

[1] *Debates and Proceedings*, p. 96.

[2] *Ibid.*, p. 97.

[3] *Ibid.*, p. 102.

rights to his race. The Conservatives, realizing the hopelessness of preventing a new constitution, were content to drop the discussion. The debates in the convention turned on other subjects, while the work of drafting a new organic act went on in the committee rooms.

The situation of the poor gave the majority in the convention great concern. After some deliberation the committee on relief reported that in many counties large numbers of persons were severely pressed for food and practically without meat. "In many counties," the report said, "where the crop of the last season consisted chiefly of cotton, startling destitution prevails. Gaunt Famine stalks abroad! the people are crying out for bread." [1] The Conservatives proposed that each county provide for its own poor by grants from the county courts or by the establishment of county farms. But the Republicans opposed both of these suggestions as unfair, because the counties which contained the largest part of the destitute were the Republican counties.[2] State aid, they argued, would be perfectly fair, as the people of the whole state had been responsible for bringing about the situation. On the other hand, the Conservatives opposed state aid as conducive to idleness. It soon became evident that, while the whites of both parties were considering relief primarily for party purposes, Grey, the negro leader, was interested in relief measures only on condition that they be such as to create for the negro an interest in the soil.[3] That was proposing a little too much for even the radical whites. Grey was later added to the committee on relief, but no relief was provided.

In an effort to commend the majority to the negro voters a proposition to memorialize Congress to continue the

[1] *Debates and Proceedings*, p. 250.

[2] *Ibid.*, p. 289.

[3] *Ibid.*, p. 292.

Freedmen's Bureau was discussed for the greater part of two daily sessions.[1] The committee appointed to prepare a memorial to Congress on that subject reported on January 20th. The resolution which they proposed to submit to Congress was prefaced by the assertion that "the condition of the Freedmen's Bureau was never before more insecure." In explanation of that sad state of affairs, they averred that in the contest for the right of the ballot the freedmen had incurred the milignity and hatred of many citizens who were seeking to reduce them to virtual slavery through dependence and want, and that freedmen could not secure justice in the civil courts because of prejudice created by their attempts to exercise the rights of citizens.[2] To remedy the situation Congress was asked to continue the bureau until reconstruction should be accomplished. In the debate on the proposed memorial to Congress, the Conservatives denied the charge in the report, declared that the negro received substantial justice, and characterized the Freedmen's Bureau as unconstitutional and the worst enemy the freedmen had. Bureau agents were charged with corruption, and lawyers whose chief clients were negroes were described as "filling their own pockets" while the negroes paid the cost or went to the penitentiary. The attack was returned in good measure by the radicals, who related hearsay, rumor, and personal experience to prove that for the defense of the helpless negro against his enemies in a rebellious society the bureau was a necessity. A Negro delegate, Mason, of Chicot, offered as an amendment that Congress be requested to instruct General Howard to officer the bureau with more honest and efficient men.[3] There was no man in the convention so rash as to defend

[1] *Debates and Proceedings*, p. 827.

[2] *Ibid.*, p. 427.

[3] *Ibid.*, p. 433.

each and every agent of the bureau, and it was generally admitted that some of them were corrupt, but Mason's proposition was defeated by a vote of 37 to 24, two negro delegates supporting it.[1] On the resolution proper, which was adopted by 43 to 17, Mason at first voted in the negative because the convention had decided that it did not want any more honesty in the bureau, but later changed his vote.[2]

The intimate relation between these proposals for relief to the destitute and the Republican party program was shown in other questions. An ordinance was offered to stay the collection of debts, "under execution or other final process" until the twenty-fifth day of December, 1869, but with the provision that it should cease to operate in case the constitution should be rejected by the people.[3] A proposition was offered to prohibit judicial proceedings on all contracts maturing before the first day of June, 1865.[4] A bid was made for the votes of the debtor elements in both parties through a proposition to make a very liberal provision for the exemption of real and personal property "from sale on execution, or other process of any court, issued for the collection of any debt contracted after the adoption of this constitution."[5] In this it was their avowed purpose to place such a provision in the constitution in order to "prevent capital from exercising an undue influence" in legislative halls and to increase "love of country."[6] In defense of the measure, its chief advocate

[1] *Debates and Proceedings*, p. 469. Mason and Hawkins supported the amendment.

[2] *Ibid.*, pp. 470-471.

[3] *Ibid.*, p. 232.

[4] *Ibid.*, p. 266.

[5] *Ibid.*, p. 206.

[6] *Ibid.*, pp. 358-360.

exclaimed: "Public policy requires that we should give it them: humanity desires it; necessity demands it; charity pleads for it; and the teachings of our Lord and Savior command it." [1]

In the same spirit the majority proceeded to investigate the state finances. On the fourth day of the convention the state treasurer was "directed to report to this honorable body, at his earliest convenience, an accurate account of the assets of the state under his control." He was directed to furnish full information concerning the investment of $100,000 of the state's money in United States bonds.[2] The treasurer complied on the thirteenth of January. This report was referred to the committee on finance, taxation, public debt and expenditures, who reported the indebtness of the state at $5,598,284.15.[3] This debt the committee attributed to the fact that for nearly thirty years the state authorities had not provided for the payment of the interest on the state's bonds, but had constantly in-

[1] *Debates and Proceedings*, p. 361.

[2] *Ibid.*, p. 75.

[3] *Ibid.*, pp. 485-488:

25 state bonds of $1,000 each, due Jan. 1, 1867	$25,000.00
Interest on same to Jan. 31, 1868	33,854.00
532 state bonds of $1,000 each, due Jan. 1, 1868	532,000.00
Interest on same to January 31, 1868	864,000.00
886 real estate bank bonds, outstanding, due Oct. 26, 1861	886,000.00
Interest on same to January 31, 1868	1,440,750.00
500 state bonds of $1,000 each, due Oct. 26, 1861	500,000.00
Interest on same to January 31, 1868	822,500.00
United States money seized estimated at	250,000.00
Interest on same to January 31, 1868	102,500.00
Swamp Land Fund	91,938.00
Internal Improvement Fund	37,347.09
Seminary Fund	7,260.81
Saline Fund	4,633.13
	$5,598,284.15

creased the state's obligation by "a system of financiering known only to thieves and robbers without conscience." As the report of the committee and the discussion on the subject were to be printed on the eve of adjournment and used in the approaching campaign, the Republicans emphasized the conclusions and the Conservatives emphasized the unbecoming language in which the committee expressed its findings. As much as a whole day's session was devoted to this subject, the majority charging corruption against the ante-bellum politicians and the minority lamenting the future Arkansas, when "strangers and pilgrims, and aliens, that know not God and obey not his Gospel, shall desecrate her soil."[1] Prophecies were made that Arkansas would rise above her misfortune, shake off the radical policy, oust the "radical wing," "reassert herself and stand forth, purged of their slanders, a brilliant and honored bride."

A resolution to require the state printer to have all the printing done within the state was opposed by the Republicans on the ground that it would be interfering with his contract rights. However, there was shown no general interest in contracts which were enjoyed by others than radicals. They appointed a committee of three recent comers to draft a memorial to Congress to urge the sale of the United States reservation at Hot Springs.[2] The committee memorialized Congress to sell six sections of the reservation,[3] as "held and occupied without color of title by various persons," and devote the proceeds "to the common school fund for the education of all the children of the state." In vain did some of the best men in the convention plead for the validity of the titles by which the

[1] *Debates and Proceedings*, p. 559.

[2] *Hinds, Brooks and McClure.*

[3] *Debates and Proceedings*, p. 837.

occupiers held the property; the matter was rushed through as if no individual property rights were involved. Corporate rights fared no better. A committee consisting of Thomas M. Bowen, W. C. Adams and G. W. Smith was created to investigate the affairs of the Little Rock and Ft. Smith Railway Company and report at the next general assembly. A straightforward communication from the secretary of that railroad company protesting against such action as calculated to embarrass the negotiation then pending for the construction of the road and offering to the convention information on proper application was rejected without ceremony. This attack on the Little Rock and Ft. Smith Railway appears to have been the sop which Bowen demanded for his faithful services to the party in the convention. Somebody evidently enjoyed property rights in this railroad, which Bowen and his friends desired vacated.

After the failure of Cypert's ordinance on January 13th, with a single exception reports on sections of the constitution were read and referred without objection to the committee on the constitution: Its arrangement and phraseology, where they remained until that committee made its final report at the evening session of February 10th. The exception was in the case of the report on the elective franchise, where a minority report setting forth the Conservative view precipitated a short debate. Immediately on the reading of the report of the committee on arrangement and phraseology confusion arose. An ardent radical moved the suspension of the rules and the adoption of the report, without division, allowing each member only five minutes to explain his vote, and called for the previous question. A member of the minority declared that the report had been "concocted in secret and brought forth between two days" and that its friends were seeking to force

its adoption without affording members ample opportunity to discuss its provisions.[1] Since every important provision embodied in the proposed instrument had been thoroughly discussed in the convention, though after its reference, and had not been materially altered by the committee, there was little reason for further discussion. But the Conservatives, supported by a few scalawags, protested so vigorously against the limitation of debate that it was finally agreed that any member might speak who wished.[2]

The debates which followed the agreement for further discussion reviewed all the subjects which had been presented in the course of the convention, but with added bitterness and denunciation.[3] The disfranchisement of the whites and the enfranchisement of the negroes was denounced as a crime and a libel on common sense.[4] The apportionment clause was declared to be "an insult to Heaven," which no honest man would offer in a deliberative body.[5] A scalawag of the true dye declared that the document had been framed by a set of newcomers, in utter disregard of all the old Arkansans, and was being rushed through with weights which would prevent its adoption. His objections, however, did not include the elective franchise provisions. A negro member in explanation of his vote to disfranchise the whites and tax them to educate the negroes, said: "You forget how long we worked for you, in a state of slavery, to give you the means by which you have been educated, and now we want to come upon a level with you."[6] When a Conservative taunted a car-

[1] *Debates and Proceedings*, p. 668.
[2] *Ibid.*, p. 617.
[3] *Ibid.*, p. 634.
[4] *Ibid.*, p. 633.
[5] *Ibid.*, p. 634.
[6] *Ibid.*, p. 645.

petbagger with the assertion that the negro vote was his only way to ride into Congress, a negro member declared that members of his race were ready both to vote and fight for the whites who would grant them political rights.[1] As the night advanced feeling grew more rancorous, personalities became sharper, the president failed to preserve order, and the discussion degenerated into a mere wrangle. After some time of this situation had passed, the president announced that the stenographer was worn out and could not record any other speeches. The secretary was then directed to call the roll for the vote on the constitution. The vote resulted in the affirmative by 45 to 21, eight delegates absent or not voting. In explaining votes practically the whole ground was traversed again. Bradley declared: "I ask to bequeath to my posterity no greater boon then to record my vote against that damnable engine of oppression and ruin." Brooks declared concerning the negro: "We, the great Republican party, hold that they should have the ballot; and we intend that they shall have it; and we will sustain the government based upon the principles of universal franchise and universal equality." Hinkle, a scalawag, exclaimed: "Great God! Is there no help for the widow's son" and asserted that "all the devils in hell" could not keep him from making himself a record by voting against adoption.[2] Said he, "What do I now see? A set of men comes here, destitute of office, and hungering after it. We must needs create offices for their benefit." But having begun his record by voting against the constitution in defiance of the devils in hell, he later changed his vote in order to complete it in harmony with evil geniuses from other localities. Nine Conservatives united in

[1] *Debates and Proceedings*, p. 648.

[2] *Ibid.*, pp. 661, 669.

a written statement of twelve reasons for voting against the instrument. When the question of signing the constitution came up fifteen delegates refused to sign, and united in condemning it as "anti-republican, proscriptive, and destructive of the liberties, rights and privileges of this State." [1]

Though carrying many evidences of partisan design the constitution as submitted to the electorate was not as radical as the Conservatives pronounced it. The bill of rights was embellished with the declaration that the paramount allegiance of every citizen was due to the federal government in the exercise of all the constitutional powers as defined by the supreme court of the United States, and that the constitution conferred on the United States power to perpetuate itself and compel obedience to its authority. The right of secession was expressly denied. The right of keeping and bearing arms for common defense was assigned to the citizens of the state instead of to the free white citizens thereof. The provisions regulating the elective franchise conferred the right to vote on every male person who had been born or naturalized in the United States, or had legally declared his intention to become a citizen of the United States, who had reached the age of twenty-one years, had resided in the state six months next preceding the election, and had an actual residence in the county in which he offered to vote, and excluded from the priviliges of registering, voting, or holding office those who had during the war taken an oath of allegiance to the United States and had violated it, those disqualified for voting or holding office in the state from which they came, those who during the war had violated the rules of civilized warfare, and those disqualified in the proposed 14th Amendment or

[1] *Debates and Proceedings*, p. 756.

in the reconstruction acts of 1867.[1] Any person, however, included in any of the classes here mentioned, who had openly advocated or voted for reconstruction as proposed by Congress and accepted the equality of all men before the law was to be deemed a qualified elector. The general assembly with the consent of the governor was empowered to remove these disabilities, by a two-thirds vote of each house, when it should appear that the person bearing the disabilities had returned to his allegiance to the United States, except that the disabilities should be removed from no person who, after the adoption of the constitution by the constitutional convention, should persist in opposing the acts of Congress and reconstruction thereunder. Each person registering or voting was required to take an oath, the taking of which by disqualified persons was to be punished as "wilful and corrupt perjury."[2]

The apportionment of representatives of the general assembly was denounced by Conservatives as grossly partisan. The general assembly was to consist of a Senate of twenty-six members and a House of Representatives of eighty-two

[1] *Debates and Proceedings*, p. 878.

[2] *Debates and Proceedings*, p. 879. The oath ran: "I, ———, do solemnly swear (or affirm) that I will support and maintain the constitution and laws of the United States, and the constitution and laws of the State of Arkansas: that I am not excluded from registering or voting by any of the clauses of the first, second, third or fourth subdivisions of Article VIII of the constitution of the State of Arkansas: that I will never countenance or aid in the secession of this state from the United States: that I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons, on account of race, color or previous condition, of any political or civil right, privilege or immunity enjoyed by any other class of men; and furthermore, that I will not in any way injure, or countenance in others any attempt to injure any person or persons on account of past or present support of the government of the United States, the laws of the United States, or the principle of the political and civil equality of all men, or for affiliation with any political party."

members, apportioned among twenty-two districts, each member being elected by the qualified electors of the district. The apportionment was not to be changed until after 1875.[1] It was denounced as a scheme to include white counties "under the black wing of the negro majorities of the counties" with which they were joined.[2] In defense the radicals claimed that apportionment had been made "in such a way as to give representation in the next legislature, of loyal men,"[3] but a scalawag declared that certain men had arranged it to suit their own notions without consulting the representatives of the people.[4] He claimed that the old citizens of the state were the ones who had a right to say how apportionment should be made.[5] One carpetbagger characterized the districting of the state and the apportionment as "unequal, unjust, and made without regard to the wishes, rights or convenience of the people, but solely and confessedly for party purposes."[6] And another member of the same class asserted that it was "so unjust, so contrary to the principles of representative government, that there must have been a design in it."[7]

In the chief executive the convention created an agent well adapted for despotic party rule. Any elector who had been five years a citizen of the United States and one year a citizen of the State of Arkansas, and had attained the age of twenty-five years, was eligible to that office. His term of office was four years, and his appointing power so inclusive as to give him a controlling influence, not only

[1] *Debates and Proceedings*, 862.
[2] *Ibid.*, p. 634.
[3] *Ibid.*, p. 649.
[4] *Ibid.*, p. p. 644.
[5] *Ibid.*, p. 669.
[6] *Ibid.*, p. 672.
[7] *Ibid.*, p. 675.

in his political party, but also over the courts of the state. He was empowered, by and with the advice and consent of the Senate, to appoint all notaries public, the chief justice of the state supreme court and all judges of inferior courts, and a prosecuting attorney for each judicial circuit in the state. He was authorized also to appoint special justices for the supreme court in certain cases and to fill all vacancies in inferior courts. Moreover, the general assembly was expressly forbidden to interfere with the term of office of any judge or of any appointed prosecuting attorney. He was given the authority to appoint a commissioner of public works and internal improvements, who was to act as *ex-officio* commissioner of immigration and state lands. To provide for the early exercise of some of these powers, all township and precinct offices were declared to be vacant thirty days after the date on which the constitution should go into effect. The governor was made, of course, commander-in-chief of the state militia, which by this constitution was to consist of "all ablebodied electors" or registered voters in the state.

The provisions for education gave special alarm to the white property owners. The general assembly was required to provide for the establishment of a university and a system of free schools for the education of all children between the ages of five and twenty-one years; and to provide by law that every child of sufficient mental and physical ability should attend the public schools for a term of at least three years, unless educated by other means; and to authorize by general laws a property tax in each county, township, or school district for maintaining an annual three months school in each school district, where the public school fund was not of itself sufficient. The whole free school system was to be supervised by the superintendent of public instruction and such other officers as the general

assembly should provide. A poll tax of one dollar per capita on every male inhabitant of the state was to be levied to supplement the other funds for public education. There was no mention of separate schools for the whites and blacks. The educational system as provided for in the constitution was well adapted for either of two purposes: the education of the children of the state, or the advancement of the party. The Conservatives declared it a scheme to tax the whites to establish schools in which there would be "indiscriminate social intercourse between whites and blacks." The full possibilities of the system were not evident until the legislature had completed it.

The terms of all officers elected or appointed under the provisions of the constitution were to continue until January 1st, 1873, unless otherwise specified in the constitution. No person except a qualified elector should sit on any jury. The general assembly was prohibited from levying a poll tax except for school purposes. For the payment of the state debts a sinking fund was to be provided and administered by "the Commissioners of the Sinking Fund," consisting of the governor, secretary of state and attorney general. The provision for amendment was so rigid as to secure it against modification within any reasonable period.[1]

The most iniquitous part of the whole output of the convention was the schedule. This provided for a board of

[1] *Debates and Proceedings*, p. 887. A proposed amendment was required to pass by a majority vote in each house of the general assembly; "be referred to the legislature to be chosen at the next general election" by publication three months prior to the date on which members of that body were to be chosen; be passed by a majority of each house chosen at that date: and approved and ratified "by a majority of the electors, qualified to vote for members of the General Assembly voting thereon," "in such manner, and at such times as the General Assembly" might provide.

commissioners, consisting of James L. Hodges, Joseph Brooks and Thomas Bowen, to supervise the election on ratification and for the election of state and county officers and members of the general assembly. The law authorized any two of these men to transact business, and in the case of the death or disability of one or two of them, the remaining member or members could fill the vacancy or vacancies by appointment. The board of commissioners was authorized to establish an office at Little Rock and employ the necessary number of clerks at eight dollars a day each; to start the election on March 13th and conduct it at such times and places and on such successive days as they should think proper; to appoint judges and clerks of election in each county; to appoint all judges and clerks of municipal elections; to prescribe regulations for the elections and provide poll books for each county; to appoint boards to pass on contested county elections; to pass on cases of contested elections and certificate the successful contestant; to inquire into the fairness or validity of the voting on the constitution; reject irregular votes; and correct the results in any county or precinct so as to make them "just and reasonable." For this service each commissioner was to receive the same *per diem* and "allowances" as a delegate in the convention, and all judges and clerks were to receive the same compensation as that allowed registrars appointed under the reconstruction acts.

In view of the necessity of conducting the elections with reasonable dispatch, the concentration of the powers enumerated in the schedule in the hands of three honest and capable Republicans might have been both wise and just, but the investment of Hodges, Brooks and Bowen with such authority was outrageous. However, only two delegates in the convention mentioned the schedule as an objection to the constitution. In the excitement which at-

tended the voting on adoption one delegate pronounced it a revolutionary scheme "to oust the present provisional government and establish a negro oligarchy," [1] and another objected to the oath.[2]

As the labors of the convention drew to a close the chaplain, thinking that perhaps some of the delegates would like to know the "chaplain's ideas relative to the constitution," pronounced it "one of the best of its kind ever produced in this capital," and assured its framers that their names would "go down to posterity among the good and great men of the nineteenth century." He admonished those present to go forth and meet their enemies with reason, logic and love, "unless compelled to resort to other means in self-defense," and implored divine love, mercy and protection to them "that their lives might be spared during the campaign before the people." [3] The president followed with a valedictory, in which he exhorted his hearers to gird themselves anew, "for the final conflict, and the glorious triumph." [4] At high noon of February 14th, the convention adjourned subject to the call of its president or one of its vice-presidents at any time within one year "for the formation of civil government for the State of Arkansas," in case the constitution should not be ratified.[5] However, delegates kept hanging around Little Rock until all the details for the ensuing election had been agreed upon between General Smith, who served as the mouthpiece for the three commissioners of election, and General Gillem.[6]

[1] *Debates and Proceedings*, p. 675.
[2] *Ibid.*, p. 682.
[3] *Ibid.*, p. 751.
[4] *Ibid.*, p. 763.
[5] *Ibid.*, p. 764.
[6] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 278, p. 17.

CHAPTER IX

The Ratification of the Constitution

The constitutional convention provided that the election on ratification should begin within one month from the date of its own adjournment, placed control of that election in the hands of three men, with power to prolong the voting at discretion, and adjourned to go forth to "the final conflict and glorious triumph." But there was evident even in the convention some doubt as to the outcome of the conflict. The Conservatives were determined to prevent ratification and boasted that "twenty thousand registered voters, and uncounted thousands disfranchised" were preparing for the conflict.[1]

The lack of party organization during the campaign of 1867 taught the opponents of reconstruction the error of their way, and early in December steps were taken to get their party under organization. On December 2nd, a mass meeting was held in Little Rock "to initiate a united movement on the part of the white people of the state against negro supremacy, and to preserve the principles of the national constitution by cooperation with the Democratic party of the Union." They formed a state central committee,[2] who issued an address to the people of the state,

[1] *Debates and Proceedings*, p. 627.

[2] *Van Buren Press*, January 10, 1868. The committeemen were R. A. Howard, Chairman, A. B. Williams, W. M. Byers, J. S. Dunham, R. C. Newton, L. B. Nash, Arnold Syberg, C. B. Moore, F. A. Terry, John M. Harrell, Secretary.

asserting that a large majority of the people were opposed to negro suffrage and would vote against a constitution establishing it, and reminding them that "the voices of the Democratic and conservative masses of the North" were calling upon them "to assist in defeating the attempt of radicalism to destroy our old constitutional government and set up in its place one in which others than white men shall have the controlling influence." "We must," the address said, "heartily respond to the call." [1] A short time thereafter leaders about Little Rock held a county convention, where northern men and southern men, ex-Federals and ex-Confederates, old Whigs, Democrats, and Republicans joined in resolutions condemning radical rule and the radical policy. Delegates were elected to a convention which was to meet at some later date, steps were taken to organize clubs in every township and county, and the central committee was authorized to start a campaign newspaper.[2] December 21st the central committee met at Little Rock and called a state convention for January 27th, 1868, for the purpose of perfecting an organization, adopting rules of action, and selecting delegates to the National Democratic Convention.[3]

On the appointed day the Democratic State Convention met in Little Rock, with the avowed purpose of uniting "the opponents of negro suffrage and domination, and the friends of the constitution and civil liberty, in a combined opposition to the destructive measures of radicalism." [4] The attendance was very encouraging. The constitutional convention adjourned for the day and offered the use of

[1] *An. Cyc.*, 1867, p. 55.

[2] *New York World*, January 8, 1868.

[3] *Van Buren Press*, January 10, 1868.

[4] *Campaign Gazette*,, January 30, 1868.

its hall for the occasion.[1] J. R. Saunders, of Dallas County, was elected president and a strong committee on resolutions, with U. M. Rose as chairman, was appointed. A number of delegates to the constitutional convention were also delegates here. Enthusiasm was high. Just before the opening of the afternoon session of the second day, John Kirkwood presented a banner, on which was printed "Hail Columbia," with the announcement that Columbia, Pennsylvania, near "Thad. Stevens' home" had gone Democratic for the first time in twelve years.[2]

Resolutions were adopted endorsing "a white man's government in a white man's country," denying that the negro possessed capacity for self-government, and deprecating a forced equality of the races as involving calamity to the negro and degradation to the whites. It was declared that the negro without the ballot was no worse situated than minors, Indians, women, and foreigners, and that the prostitution of the ballot and the pollution of the source of power in a republic was the crown of evils, beyond civil remedy. Having endorsed the equality of all men before the law and civil rights for the negro, the convention reaffirmed Democratic fidelity to the constitution of 1864, claimed readmission to the Union under that instrument as a matter of right, and declared those engaged in overturning it in order to Africanize the state through the disfranchisement of the whites enemies of the country. All people in sympathy with these views were invited to cooperate in supporting them and to vote against any proposed constitution "submitted by the supposed constitu-

[1] *Debates and Proceedings*, p. 361. An interesting feature of the incident was the fact that the committee appointed to notify the chairman of the Democratic State Central Committee was composed of one carpetbagger, one conservative, and one negro.

[2] *Gazette*, January 29, 1868.

tional convention" then in session. The people were urged especially to reject negro suffrage whenever and in whatever shape it might be proposed to them.

Delegates and alternates were chosen to the Democratic National Convention, presidential electors were nominated, and for each county in the state from one to twenty strong party men were added to the whole membership of the convention to canvass the state.[1] On the motion of R. W. Johnson, of Jefferson County, the central committee was empowered to do whatever might become necessary to "the triumphant success of the great white man's party." Since the accepted policy denied the constitutionality of the whole congressional plan of reconstruction, accepted the state government as then operating, and proposed to defeat whatever constitution should be submitted, the convention made no nominations for state offices other than presidential electors.

The Republicans had announced their principles and perfected their party organization during the campaign for the constitutional convention; but their party program suggested the wisdom of holding a state convention at Little Rock while the constitution was being framed. On January 15th, 1868, the Republican State Nominating Convention assembled, drawing about three-fourths of its members from the delegates in the constitutional convention. It was realized that the time had come for dividing the spoils, and the different elements of the party were on the alert. On the evening of the fourteenth the Little Rock Republican Club held a meeting, where, under the inspiration of addresses by visitors and members, a resolution was adopted that in the distribution of honorary positions and nominations for the state ticket none but the party's best men should be put forward at that "critical juncture," but

[1] *Gazette*, January 30, 1868.

that due regard should be given to every element of the party and to every geographical division of the state.[1]

The first show of factional strength in the nominating convention came in the election of a president, where the carpetbag candidate, Joseph Brooks, was easily elected over the scalawag candidate, Valentine Dell.[2] The natives, or scalawags, tried then to block the rush of the carpetbaggers, first by an effort to adjourn until more delegates of their own class should arrive, and then by a proposition to require a two-thirds vote to nominate candidates on the state ticket, but all to little effect. The whole slate had been arranged.[3] On the first ballot for the nomination for governor the vote stood: Powell Clayton 112, J. M. Johnson 49, Enoch H. Vance 17, and R. J. T. White 3. A strong scalawag opposition to making the nomination unanimous was overcome by the chairman putting only the affirmative side of the proposition to that effect. A full state ticket was then nominated in short order.[4] Joseph Brooks, the president of the convention, was authorized to appoint a state central committee of nine, a quorum of whom were to reside in Little Rock, and be empowered to fill vacancies on the state ticket.[5] A platform was adopted committing

[1] *Daily Republican*, January 24, 1868.

[2] *Van Buren Press*, January 24, 1868.

[3] This conclusion, arrived at from a study of the proceedings, was confirmed by a conversation with R. C. Vance, December, 1916.

[4] *Van Buren Press*, January 24, 1868. Lieut. Gov. J. M. Johnson; Supreme Court Justices Lafayette Gregg, John McClure and John T. Elliott; Auditor, James R. Berry; Sec. of State, R. J. T. White; Treasurer, Henry Page; Supt. Public Instruction, Rev. W. H. Gillem; Attorney General, J. R. Montgomery.

[5] *Daily Republican*, February 17, 1868. Immediately after the adjournment of the constitutional convention, this committee replaced John T. Elliott with Thomas M. Bowen; nominated Wm. Harrison, of Drew County, for the associate justiceship created by the constitution; and substituted Thomas Smith for Rev. Gillem.

the party to immediate reconstruction on the congressional plan; opposition to the cotton tax; a general system of internal improvements; the economical administration of government, state and national; a system of free schools for both whites and blacks; unalterable opposition to all forms of slavery; and free speech, free press, and the civil and political "equality of all men before the law."[1] The political parties having in regular convention declared their positions as early as January, their forces were ready for the contest over ratification of the constitution as soon as the convention adjourned.

The party organs entered the campaign with zeal. The *Daily Republican* defended the constitution as the best possible for the negroes and the poor whites,[2] declared that only the "Shylocks" were opposing it because it exempted a homestead for the poor,[3] and asserted that it embodied the best terms that Congress and the Republican party would ever grant.[4] It styled the Democratic-Conservative group "the Bob Johnson Democracy, or white man's party" and pointed out the fact that it had offered no relief to the people, while the Republicans promised economy, thrift and progress.[5] It urged immediate reconstruction as an economic necessity, declaring that money could not be borrowed, nor capitalists and business men induced to invest in the state until reconstruction should become an accomplished fact.[6] The people were assured peace and prosperity if only they would vote for reconstruction and be loyal to the government.[7]

[1] *Daily Republican*, January 15, 1868.
[2] *Ibid.*, February 14, 1868.
[3] *Ibid.*, March 4, 1868.
[4] *Ibid.*, February 25, 1868.
[5] *Ibid.*, February 1, 1868.
[6] *Ibid.*, February 5, 1868.
[7] *Ibid.*, February 15, 1868.

For the conservative side, the *Van Buren Press* analyzed the proposed instrument clause by clause to show that the only new principle incorporated in it, and not found in the constitution of 1864, was negro suffrage.[1] This new principle and the disfranchisement of whites, the editor asserted, rendered it unrepublican in form and oppressive in spirit. The *Campaign Gazette,* a special campaign edition of the leading Democratic organ, announced that the Republicans were anxious to prevent a full vote on the constitution, because they realized there were forty thousand voters in the state opposed to negro suffrage and its fruits. As the official mouthpiece of the Democratic party, it boldly declared: "We do not recognize that the negro has any political rights whatever, and his existence in the country is only tolerated by white men on the score of humanity."[2] On the doctrine of political rights for negroes, it said, "the white men of Arkansas will never submit." "Come forward everywhere," this same editor advised, "and put an end to these misfortunes by voting down the constitution."[3] Subtle appeals were made to the negroes that their best interests lay in cooperating with their white friends, and in many cases these suggestions succeeded well.[4]

As soon as the Republican state ticket was nominated, certain disappointed aspirants for office became dissatisfied and very nearly broke up the party's plans. Governor Murphy took no active part in its work; Enoch H. Vance remained with them only long enough to join the first considerable faction which sprang up in their ranks; and John M. Bradley repudiated them outright and returned to the Democratic fold.[5] Judge John M. Tibbetts, an original Union

[1] *Van Buren Press,* February 28, 1868.

[2] *Gazette,* March 10, 1868.

[3] *Gazette,* March 13, 1868.

[4] *Gazette,* March 10, 1868.

[5] *Van Buren Press,* February 14, 1868.

man who had worked faithfully for honest reconstruction under the Murphy government and was now in favor of honest reconstruction under the congressional plan, severed his connection with the Republican party as soon as he supected it of planning to force the adoption of the constitution by fraudulent methods.[1] Both parties effected organization in each county and precinct. Union Leagues and Republican clubs, and Democratic clubs and Ku Klux organizations supplemented the usual campaign activities. When the Republicans charged that a secret Democratic organization was creating intimidation and terror among loyal people, especially the negroes, the editor of the *Campaign Gazette,* in defence and encouragement of his party co-workers, said: "To protect themselves against so inflammable and dangerous a combination as negro leagues, the white men would seem to be justifiable in constituting themselves in an organization."[2]

Each party sent into the canvass its strongest men. For the Democrats went every member of the state central committe and in addition, England, Rose, Garland, Hindman, Clark, Williams, Kirkwood, Stilwell, Buchanan, Farr, Duffie, Murray, Gallagher, Pike, and Watkins, to cooperate with local leaders in the counties.[3] From the fourteenth of February to the eve of the election these men went "two and two" throughout the state to expose the "monstrous deformities" of the proposed constitution.[4] The Republican cause was ably represented. Hinds, Brooks, Clayton, Rice, Hodges, Oliver, Roots, and a host of less prominent leaders expounded the doctrines of loyalty,

[1] *Van Buren Press*, March 18, 1868.

[2] *Gazette*, March 18, 1868.

[3] *Campaign Gazette*, March 13, 1868.

[4] *Gazette*, March 18, 1868.

universal freedom, negro rights, economic development, and free public education for both races alike. By Democrats the radical leaders were denounced in the bitterest of terms. Bowen was charged with being "a bigamist, a scoundrel, and a puppy," Hinds with very questionable relations with negroes, Rice with straight out stealing, and others with similar offenses.[1] On the eve of the election the *Campaign Gazette* said: "Will gentlemen vote for these dogs? You may say these are slanders. If slanders, why not resort to the courts or some other tribunal, to disprove them. Can't you show to the military courts that you are reconstructionists and we are obstructing reconstruction by denouncing its champions? Why suffer these charges to hang over your miserable heads, you damnable curs? Why, O why!"[2]

The *Daily Republican* called on all Republicans to keep a sharp eye for frauds on the part of Democrats, and urged them to report to the state central committee the name of any Democrat who should threaten to discharge a Republican on account of his vote for the constitution. The negroes were reminded of their duty to stand by "their friends."[3] When strong opposition to ratification developed in a community, it was attributed by the Republican speakers and press to the "violence of rebels" or the nefarious works of the Ku Klux Klan.[4] Sheriffs and deputy-sheriffs who failed to develop strong radical symptoms were

[1] While at Camden on his canvass for Congress Hinds' conduct was such that the editor of the radical paper at that place, Judge Elliott, demanded that the state central committee remove his name from the ticket; but the organization and the negroes stood by him. *Gazette*, March 10, 1868, quoting the *Camden Journal* and *Gazette*, March 13, 1868, quoting the *South Arkansas Journal*, Elliott's paper.

[2] *Campaign Gazette*, March 13, 1868.

[3] *Daily Republican*, March 3, 1868.

[4] *Ibid.*, March 24, 1868.

marked as characters to be watched.[1] The native white Republicans were constantly reminded that the Democratic appeals for united white opposition to carpetbag rule came from the very enemies who during and since the war had visited loyal men with curses and murders.[2]

After failing to get the constitutional convention to extend to April 1st the time for beginning the elections, General Gillem, on February 14th, ordered General Smith to organize at once for the election on the same general plan as that followed in the election of delegates to the convention for framing the constitution. Registrars were to be selected and put to work immediately.[3] The election was a complicated affair. There were two sets of polls; one military, at which electors were to vote on the constitution, and one civil, at which they were to vote for county and state officers and representatives in Congress.[4] The voting at the military polls was under the supervision of registrars selected by the military authorities, while that at the civil polls was under the supervision of commissioners of election provided by the convention. The commanding general refused to assume any responsibility for the conduct of the civil elections.[5] For the election at the military polls each county was placed under a county board of registrars, who were to meet fourteen days before March 13th and spend five days in revising the list of voters. At this revision they were to erase the name of any person whom they considered not entitled to registration, and to add the name of any person who at that time was entitled to registration but had not been registered.[6] They were then to

[1] *Daily Republican*, March 3, 1868.

[2] *Ibid.*, January 15, 1868.

[3] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 278, p. 9.

[4] *Ibid.*, p. 3.

[5] *Ibid.*, p. 19.

[6] *Ibid.*, p. 13.

divide the precincts of the county into three groups, and assign one group to each registrar for conducting the election. For holding elections each registrar was to select a judge and a clerk; and, after giving one notice of the time and place of election, proceed from precinct to precinct, holding elections on consecutive days when distance would permit. Each ballot cast was to have printed on it: "For constitution," or "Against constitution," and the revised registration list was to be the sole guide to election officers in determining who should vote.[1] Each voter on offering his ballot was to present his registration certificate, across the face of which the clerk was to write his name in red ink to indicate that a ballot had been cast on it. At the same time the clerk was to check off the voter's name on the precinct book. On each election day the polls were to remain "continuously open" from 9 A. M. till sunset. Judges and clerks were to be residents of their districts if competent and qualified persons could be found, but otherwise from the county or state at large.[2] Registrars were permitted to become candidates for office at the elections which they were to supervise.[3] The sheriff of each county was ordered to preserve "order and the perfect freedom of the ballot at the various election precincts in his county," and to appoint for each precinct a deputy-sheriff "to promptly and freely obey every demand made upon his official services in preserving peace and good order by the commissioners of election."[4] All places near the precincts for the retail sale of intoxicating or malt liquors were to be closed on the day of election. Post commanders were ordered to distribute their troops in small detachments at such places within their

[1] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 278, p. 22.

[2] *Ibid.*, p. 14.

[3] *Ibid.*, p. 19.

[4] *Ibid.*, p. 14.

jurisdiction as would best assist the commissioners of election and deputy-sheriffs in preserving order at the polls, and for the purpose of protecting every voter in going to and from the polls without molestation. They were directed to notify boards of registration just what distribution of troops would be made for each county, to send their mounted troops to the remoter stations, and when practicable, keep all troops under commissioned officers.[1] Three days before the election started instructions were issued that troops should not be posted in the immediate vicinity of the polls, but kept at convenient distances for use in case the commanding officer should deem it necessary.[2]

The Democrats, confident that they could defeat the constitution by a handsome majority, appealed to President Johnson to send to the state an army officer who would secure a fair election.[3] General Gillem promised that the powers vested in him would be exercised to the fullest extent for "the purpose of allowing all registered electors an opportunity to vote freely and fearlessly," but gave no assurances that Smith should not use the military to force adoption.[4] Smith was reported as having frankly said it was to the special interest of all the registrars that the constitution be adopted, and consequently the Democrats were convinced that he would not secure them an honest election.[5]

On March 6th it was announced in Little Rock that Congress had passed a bill, providing that a majority of votes cast should be sufficient to ratify the constitution and that

[1] *Daily Republican*, March 4, 1868, published General Smith's General Orders No. 5.

[2] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 278, p. 23.

[3] Johnson Papers, February 7, 1868. Augustus H. Garland to Andrew Johnson, estimated the Democratic majority at 20,000.

[4] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 278, p. 14.

[5] *Gazette*, March 13, 1868 and May 23, 1868.

registered voters might vote in any precinct wherein they had a ten day's residence.[1] That announcement convinced the Democrats that their only chance to defeat ratification was through voting their full strength and preventing frauds by their opponents. To guard against fraud they demanded challengers for the polls and their demands reached Gillem. To inquiries from military headquarters concerning the demands of the Democrats General Smith replied that "absurd ideas" in regard to challenging voters prevailed in many districts, and received from Gillem the comforting assurance that registration lists should be the sole guide for commissioners.[2] The editor of the *Daily Republican* said: "If the rebellious gentlemen of this state don't like the way this election is to be held and the returns made, let them hold one of their own."[3] The *Campaign Gazette* suggested that "each white man's club" appoint some energetic man or men to attend the precinct on election day to note all irregularities and how many voted each ticket.[4] Conservatives were urged to vote solidly against ratification, regardless of threats of confiscation and permanent disfranchisement, but in no event to vote at the civil polls.

The election in many precincts was little more than a farce. Many of the registrars who supervised the civil polls were candidates for offices under the proposed constitution.[5] The voting began on the thirteenth and was in progress for more than fifteen days. In some precincts the polls were open for three days,[6] in others they were

[1] *Debates and Proceedings*, 1868, p. 793; *Gazette*, March 6, 1868.

[2] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 278, p. 22.

[3] *Daily Republican*, March 10, 1868.

[4] *Gazette*, March 6, 1868.

[5] *Ibid.*, March 23, 1868.

[6] *Daily Republican*, March 26, 1868.

opened and then closed for two weeks before being opened again. In some cases the ballot boxes were turned over to individuals not authorized to receive them before any count had been made.[1] It appears that deputy-sheriffs in some precincts maliciously interfered with the voters, instead of furnishing them protection.[2] Unofficial watchers at the polls made themselves rather distasteful to the radicals by trying to influence the negroes and to make note of irregularities.[3] In many counties the military afforded no protection whatever. Democrats intimidated negroes, and Republicans stuffed the ballot box, tampered with registration at will, voted women and children, and "voted early and voted often, traveling from ballot-box to ballot-box."[4] The negroes were out in "their strength and majesty," all voting the same ticket and as often as they pleased in the same precinct or in different precincts.[5] The election was not closed in counties with large negro majorities until the counties with white majorities had voted, thereby enabling the election officers to supply any number of votes necessary to carry the election.[6]

On April 1st, the state board of election commissioners published an official statement, in which they announced that the constitution had been ratified by a vote of 30,380 to 41 and would be in full force and effect from that date.[7]

[1] *Van Buren Press*, March 27, 1868; *Gazette*, March 27, 1868.

[2] *Gazette*, March 24, 1868; *Daily Republican*, May 16, 1868; *ibid.*, March 17, 1868.

[3] *Daily Republican*, March 31 and April 13, 1868.

[4] *Van Buren Press*, May 29, 1868. Judge Tibbett, an original Union man and friend to congressional reconstruction, observed these facts.

[5] *Ibid.*, June 26, 1868, quoting Sen. McCreery.

[6] *Ibid.*, April 24, 1868. *Ex. Docs.*, 40th Cong., 2nd Sess., no. 278, contains all the official correspondence on the elections in Arkansas.

[7] *Debates and Proceedings*, 1868, p. 794.

At the same time they published the names of all officers who had been elected at the civil polls.[1] Throughout the election charges of fraud poured into military headquarters. On April 13th, the Democratic central committee filed with General Gillem a statement of alleged irregularities, and appealed to him, as one of their own race and blood, to give them an opportunity to establish before an impartial commission of honorable officers the truth of all they alleged.[2] On the day this statement was made, Captain J. E. Tourtelotte arrived at Little Rock to make an investigation. After a four day's sojourn confined to the city of Little Rock, where most of the registrars had gathered as legislators, the investigator reported that the registrars of Pulaski County had permitted persons registered at any precinct in the state to vote in Pulaski; that fourteen or fifteen hundred voters registered elsewhere had voted there; that the registrars had not required of electors any oath whatever; that they had not inquired of electors the length of their residence; and that they had taken no data on those voting, making it impossible to ascertain how many irregular votes had been cast. The registrars of Jefferson County, he said, had pursued the same course. It was his opinion, however, that the registrars had intended no fraud in the matter, as they had allowed these things only after mutual consultation and consideration of the congressional act of March 11th.[3] He ventured the suggestion that their

[1] *Debates and Proceedings*, pp. 797-798.

[2] *Van Buren Press*, April 24, 1868.

[3] This act provided that any election authorized by the act of March 23, 1867, should be decided by a majority of the votes cast, and that at the election in which the adoption or rejection of a state constitution was submitted a person duly registered as a voter in the state might vote in any precinct where he had a ten days residence preceding such election.

conduct had been unfortunate, as it had virtually impaired the registration law.

Tourtelotte reported that in Pulaski County fifty or more persons who had lost their certificates were allowed to vote on swearing that they had been registered in that or some other county, while in other cases registrars had refused duplicates to persons who had lost their original certificate. John A. Williams, registrar for Jefferson County, had not forwarded the returns of his county to headquarters as required by law, but had taken them to Little Rock, where he became intoxicated and retained them in his possession until ordered by General Smith to send them in. In Spadra township, Johnson County, where the official returns showed only ninety-nine votes against the constitution, one hundred fifty registered voters swore they had voted against the constitution. Major Tisdale, registrar for that county, had voted twice, but R. B. Chitwood, judge of election, had drawn out one ballot for ratification to square the deal. He found that repeating had been practiced in Little Rock and Pulaski County; that in Jefferson a woman had voted on the certificate of her husband, who was in jail;[1] and that in Vangine precinct, Jefferson County, "no less than twelve persons registered and voted while the election was progressing." Despite these facts and affidavits that many other similar frauds had been perpetrated, and regardless of the fact that "registrars generally confessed much interest in the election, stating that the constitution would be ratified, and even declaring that it must be ratified," Tourtelotte attributed the charges of corruption to the discontent of those who had lost heavy wagers on the election. Moreover, he was of the opinion that the persons making the

[1] *Van Buren Press*, June 26, 1868, gives Sen. McCreery, of Kentucky, as authority for stating that the woman was a negress.

charges had no confidence in their ability to prove them, but were merely trifling with the military authorities. "I do not believe," said he, "any election for ratification of the constitution can be held in Arkansas where similar charges will not by some party be made, and probably with some foundation." [1]

On the day Tourtelotte submitted his report, General Gillem forwarded to General Grant a report which showed a majority of 1,316 for ratification.[2] "Had the election been conducted," he said, "in strict conformity with General Orders No. 7, and the result been indicated by the above figures, the adoption of the constitution would have been indisputable." With that, he proceeded to explain away the apparent irregularities. He called Grant's attention to the fact that the total vote in Jefferson and Pulaski exceeded the total number of registered voters there by one thousand nine hundred twenty-five, but stated that it was impossible to ascertain who cast the excess ballots, or whether they had been cast for or against the constitution. The fact that the registrars in those counties had learned unofficially of the act of March 11th, and had on their own responsibility received the votes of persons not registered there was reported, with the explanation that the commanding general had not been aware of the enactment of that law and had not prescribed regulations covering such cases. A delay of six weeks for a thorough investigation, as urged by the Democrats, "was not deemed expedient." In conclusion Gillem said: "In a question of such importance, and one purely civil, in which the action to be taken by the district commander is not prescribed by section 5 of the act of

[1] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 278, pp. 23 *et seq.* for the whole report.

[2] *Ibid.*, p. 4, table.

March 23rd, 1867, I have decided to forward the entire record for the action of the proper authority." [1]

Early in May, in response to a call from the national House of Representatives for "a statement of the votes cast for and against the constitution at the recent election in Arkansas," General Grant submitted to that body the report made by Gillem.[2] It was then referred to the Committee on Reconstruction, from which Thaddeus Stevens reported on May 7th a bill for the readmission of Arkansas.[3] He asked immediate action as he considered the bill above objection. As first presented the preamble recited that the people of Arkansas, in conformity with the reconstruction acts, had framed and adopted a constitution of state government republican in form, and that the legislature of the state had ratified the proposed Fourteenth Amendment.

The enacting clause of Stevens' bill provided that Arkansas be admitted to representation in Congress, as one of the states of the Union, upon the fundamental condition that the constitution of the state should "never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote" who were entitled to vote under the constitution recognized by the proposed act, except as punishment for crime on due conviction. In the debate which ensued, the opponents of the bill complained that they had not been able to secure a copy of General Grant's report, or of the Arkansas constitution, pointed out the frauds which had been perpetrated at the elections, and denied the right of Congress to impose upon Arkansas such a condition precedent as that contained in

[1] *Ex. Docs.*, 40th Cong., 2nd Sess., p. 5.

[2] *House Journal of United States*, 40th Cong., 2nd Sess., p. 650.

[3] *Cong. Globe*, 40th Cong., 2nd Sess., p. 2375.

the "fundamental condition." Stevens reminded the House that for months there had been a clamor for the admission of the non-reconstructed states, asserted that the Arkansas constitution had been before them four weeks, acknowledged himself "a little scrupulous and particular about any constitution" he was called upon to vote for, and called for the vote.[1] The bill passed by a vote of 110 to 32.

In the Senate, where excitement was high over the question of impeachment, the house bill was received on May 12th and deferred for action to the following day.[2] On the 13th an effort to have it referred to some appropriate committee was opposed by the friends of immediate admission, on the ground that the situation in Arkansas was verging on anarchy. Senator Sherman declared that the old government had ceased to operate, that the new one had not been made legal, and that the military force there was not able to preserve the peace. He minimized the reports that the election had been fraudulent in certain localities, and asserted that there was no doubt that the election had been carried out in conformity to the law and that immediate admission would be a harmless step which could not "effect any political object."[3] Senator Johnson opposed immediate action as hasty and calculated to affect the vote on impeachment. Senator Edmunds favored postponement until the impeachment trial should be over. When Sherman was assured that the bill would be reported not later than the 16th, he agreed that it be referred to the Committee on the Judiciary.[4] On the 16th, Senator

[1] *Globe*, 40th Cong., 2nd Sess., p. 2399.

[2] *Ibid.*, p. 2417.

[3] *Ibid.*, pp. 2438 *et seq.*

[4] *Ibid.*, p. 2440.

Trumbull reported it back without amendment, with the recommendation that it pass.[1] After being slightly amended the bill passed, June 6th. On the 20th the President returned the bill without his signature, accompanied with his veto message. It was passed over the veto by the House, June 20th, and by the Senate, June 22nd.

During the debate it became clear that the cause for haste was not the situation in Arkansas but party necessity. It was suggested by friends of the bill that there was a clamor for the early readmission of the excluded states, and Senator Wilson frankly admitted that a little help from Arkansas in the approaching election would not be objectionable. The whole discussion leads one to the conclusion that first the hope of securing additional votes for conviction in the impeachment trial, and later the effect it would have on the party's chances in the presidential election, controlled the action of the more radical members of both houses of Congress. Gideon Welles on June 20th recorded in his diary: "The President put a veto on the Arkansas bogus constitution, and the House, unable to controvert his position, hastened to accept it by a two-thirds vote. One cannot but be ashamed at the debased and subservient partisanship which could not exhibit a single independent mind in behalf of the Federal constitution and of the great principles on which our political system is founded, among the radical majority."[2] There is little doubt as to the correctness of his judgment.

In the meantime political forces were at work in Little Rock. The new constitution provided that after its own ratification the general assembly should meet on the second day of April, 1868.[3] On March 20th, Governor Murphy

[1] *Globe*, 40th Cong., 2nd Sess., p. 2487.

[2] Welles *Diary*, vol. iii, p. 388.

[3] Article v, section ii of the constitution.

inquired of General Gillem as to the time the existing state government should give place to the one to be organized under the new constitution.[1] To that inquiry Gillem replied that the government to be organized would be recognized by the commanding general when the requirements of the reconstruction acts should have been complied with.[2] On the last day of March certain Democrats telegraphed Gillem requesting that he prevent the assembling of the legislature,[3] but received the reply that the commanding general had no authority to prevent the "peaceful assembling" of that body. At the same time he instructed the commander of the sub-district of Arkansas to prevent any breach of the peace and suppress violence and disorder.[4] When, on April 2nd, the state superintendent of public buildings refused to admit the representatives-elect to the hall of the House of Representatives, Gillem decided that they should have the use of the legislative hall, provided such use did not interfere with the transaction of business by the state government already in operation.[5]

It may be asked, What was the real situation in Arkansas between the second day of April, 1868, when the representatives-elect assembled, and June 22nd, the date on which Congress accepted the new constitution? The Murphy government, except as to its legislative functions, was in operation throughout the state, subject to modification by the military only. The commanding general recognized it as the only state government which could perform any functions until the reconstruction acts had been fully complied with.

[1] *Ex. Docs.*, 40th Cong., 2nd Sess., no. 278, p. 44.

[2] *Ibid.*, p. 44.

[3] *Ibid.*, p. 45.

[4] *Ibid.*, p. 46.

[5] *Ibid.*, p. 47; *Daily Republican*, April 6, 1868.

One of the prime conditions of Arkansas' readmission to representation in Congress was that the state legislature, meeting under the constitution framed and ratified in conformity with the reconstruction act of March 2nd, 1867, should ratify the Fourteenth Amendment.[1] The state constitution required the legislature to meet on the second day of April, 1868.[2] The military authorities refused to interfere with their assembling, and judged by the official returns the recent election had been sufficiently regular to warrant the friends of reconstruction in believing that Congress would very soon readmit Arkansas to representation. In view of these facts the members of the legislature held that it was both right and expedient for them to meet all the conditions of restoration at the earliest possible date.

The Democrats, claiming that the constitution had not been ratified without gross fraud, denied the right of the legislature to meet before Congress had investigated the charges of irregularity connected with the vote on the constitution and had endorsed that instrument as fulfilling the requirements of the reconstruction acts. They doubted whether the legislature could in any way hasten the state's return to the Union, and Democratic leaders denounced the legislators as enemies of the public good, willing to burden the taxpayers in order to begin the payment of public salaries as soon as possible. The temper of the Democrats over the apparent haste of local Republicans to restore Arkansas to her full rights in the Union was admirably stated by the editor of the *Gazette,* when he wrote: "If Arkansas is ever admitted under the constitution adopted by the late piebald conclave, it will not happen for weeks and perhaps for months to come. Should the event ever

[1] *Acts and Resolutions*, 39th Cong., 2nd Sess., p. 60.

[2] *Debates and Proceedings*, 1868, p. 861.

come to pass, it will call for the development of active measures upon the part of those who find themselves set upon by a band of proscriptionists." [1]

Both houses of the general assembly organized on April 2nd,[2] and proceeded to notify Governor Murphy that they were ready for the transaction of business. At the same time Governor-elect Clayton was invited to be present at the reading of the governor's message. On April 3rd Governor Murphy's message was heard. In this communication attention was called to the prosperity which had come to the people of Arkansas during the year past, and prediction was made that the adoption of the new constitution would be the "fruition of a long deferred hope" and would lead to a general economic awakening.[3] To the assembled legislators, the governor said, belonged "the great privilege of launching the new ship of state, putting on her sails, and fitting her out for a successful cruise in company with her sister states," from which she had been so long estranged. They were assured that, if the principles of the new constitution were carried out in legislation and practice, "class rule, class monopoly, and class oppression" would no more be known. The fact was emphasized that the expiring government had created no debt, but had met all of its expenses and accumulated in the treasury the sum

[1] *Gazette*, May 27, 1868.

[2] *House Journal*, p. 4. The officers of the House were John G. Price, speaker; F. E. Wright, Phillips County, clerk; W. A. Stuart, Dallas County, first assistant clerk; A. E. Beardsley, Jefferson County, second assistant clerk; T. Z. Daugherty, Crittenden County, enrolling clerk, S. A. Wiggins, Sevier County, sergeant-at-arms; G. W. Dale, Independence County, assistant sergeant-at-arms; Lafayette Brasher, Pope County, doorkeeper; Jerome Lewis, Pulaski County, assistant doorkeeper; James M. Alexander, Phillips County, postmaster; and Miles Longly, Clark County, chaplain.

[3] *Ibid.*, pp. 10 *et seq.*

of $122,587. He mentioned briefly the problems which should receive the attention of the law makers, and commended them to "the guidance and protection of the Great Ruler of Nations" with a prayer that He would "especially protect and defend the officers of the new state government and all the people."

It was reported that while the governor spoke "the galleries were filled with colored people and around the railing below a great number of gentlemen were standing eager listeners to the communication from his excellency."[1] These gentlemen who were willing to stand to hear the message were for the most part county officers-elect, whose official life depended on the inauguration of a new state government, and who had gathered at the capital to add to the impressiveness of the occasion. The *Daily Republican* was in high glee over the commanding qualities of such leaders, and in commenting on the ease with which one of them had been elected to a county office remarked that there was "nothing like nerve."[2] That anybody cared much for what Governor Murphy had to say is quite doubtful. The members of the two houses listened to his message, and both the Senate and the House passed resolutions to furnish the governor with all bills as soon as printed, but it is not clear that Murphy was the governor referred to.[3] It appears that the communication of this message closed his official relations with the legislature.

There was not complete harmony in the Republican ranks. Senator Valentine Dell, an extreme radical, declared that the failure of Congress to recognize Arkansas, and the consequent delay in organizing the executive and judicial

[1] *Daily Republican*, April 4, 1868.

[2] *Ibid.*, April 2, 1868.

[3] *House Journal*, 1868, p. 102; *Senate Journal*, 1868, p. 57.

departments of the state government, had produced stagnation of legislative business and had made the expenses of the general assembly out of all proportion to the services it might render the state.[1] In support of his contention Dell claimed that $25,000 could be saved the state if the legislature would adjourn on April 28th, but his suggestion was ignored.[2] On April 30th the Senate adopted a resolution that all bills or joint resolutions introduced should be referred after their second reading to appropriate committees until after the inauguration of the governor-elect.[3] The House of Representatives, without a resolution, followed generally the same procedure.

Between the date of assembling and July 2nd, the date of Clayton's inauguration as governor, the Senate held sixty-two, and the House sixty-six, daily sessions, during many of which no business whatever was transacted. Saturdays, the days on which the negroes gathered in large number about the streets, were usually devoted to business other then legislative. During that period practically every question involved in the problem of reconstructing the state received legislative consideration, but no business of importance was finished. Legislative investigations were begun into such activities of the expiring state government as would either reflect on the Democrats or prepare the way for rapid action as soon as the governor-elect should be inaugurated. Clayton kept in touch with the situation and directed the legislative program. So well were these preliminaries carried out that within less than twenty days after the inauguration of the governor seventy-seven statutes, eleven important resolutions, and a great mass of subsidiary business had been completed.

[1] *Gazette*, April 21, 1868.

[2] *Gazette*, April 28, 1868.

[3] *Senate Journal*, 1868-1869, p. 51.

The relations between the legislators and the military authorities were most agreeable. The House of Representatives extended to the general commanding the sub-district of Arkansas an invitation to be present at its session, and received the comforting reply that he considered that assembly, not a political, but a representative body.[1] By joint resolution they extended to the general commanding the district and all subordinate military officers thanks for endeavoring during the recent election "to give protection to every elector in the exercise of his right to vote in accordance to his earnest sentiments."[2]

The Fourteenth Amendment was unanimously ratified,[3] two genuine carpetbaggers were elected to the United States Senate,[4] and thanks were voted to friends in Congress, "especially to the Honorable Thaddeus Stevens," for the prompt action taken in passing the "Arkansas Bill" over the presidential veto.[5] The Senate investigated the disbursements made under the pensions law of 1867,[6] as well as those from the ten thousand dollars appropriated by the legislature of 1866 for the prosecution of impeachment charges against Judges Harrell and Hargrove,[7] and the disposition made of the $75,000 which General Gillem had allowed from the state treasury to meet the expense of the late convention and election.

[1] *House Journal*, p. 45.

[2] *Senate Journal*, p. 32; *House Journal*, p. 60.

[3] April 3rd, the second day after assembling.

[4] *House Journal*, p. 57. B. F. Rice, for the long term ending March 4, 1873 and Alexander McDonald for the short term ending March 4, 1871.

[5] *Senate Journal*, p. 107.

[6] *Ibid.*, p. 48. It was found that $13,189 had been paid out under the act.

[7] *Ibid.*, p. 48.

The expense of the legislature from April 2nd to June 23rd can only be estimated. There are ascertainable, however, definite facts sufficient to convince one of its tendency to extravagance. The per-diem alone amounted to more than sixty thousand dollars. There were purchased daily at the expense of the state more than one thousand newspapers. The Senate satisfied itself with "the necessary stationary," [1] but the House of Representatives required for its own use "stamped paper wrappers, stationery, and printed matter." [2] Perhaps the least expensive member was the Honorable John C. Tobias, who by departing this life early in the session, saved the state of further expense on his account, except $566.75, to send his remains back to his Illinois home and his full mileage and per-diem for his widow. It is safe to place the cost of this period of legislative activity at two-thirds the cost of the whole session, that is, at not less than $80,000.[3] Moreover, two sets of state officers drew salaries for this period, the old ones by virtue of the fact that they held under the constitution of 1864, and the new ones by grace of the pretended legislature. And the ratification of the Fourteenth Amendment was the only business imperatively demanding their attention.

The inauguration of Governor-elect Powell Clayton, July 2nd, completed the process of setting up in Arkansas a reconstructed state government. Just why that event was delayed so long after Congress had accepted the constitution is not known. It was made the occasion for great rejoicing on the part of the Republicans, white and black. Great numbers of the faithful gathered from all parts of the state to participate in the solemnities, and all but the

[1] *Senate Journal*, p. 20.

[2] *House Journal*, p. 84.

[3] *Laws of Arkansas*, 1868, p. 17, giving appropriation for the session.

private colored citizens were provided for in the official procession.[1] The inaugural address was temperate and prophetic, announcing that a bright era was dawning on Arkansas.[2] A military salute of fifteen guns announced the return of Arkansas to the sisterhood of states.[3] Republicans everywhere, especially those directly interested in politics, rejoiced at the prospect before the people, while Democrats maintained an attitude of resignation to a fate beyond the human mind to predict. The editor of the Gazette said: "If brighter days can be made to dawn on the unhappy people of our state, we welcome them, no matter from what source they come," but intimated by a review of events since the close of the war that a bright future could not be expected from the Republican party, which to the Democratic mind had made loyalty infamous.[4]

[1] *Senate Journal*, 1868, p. 126.

[2] *Gazette*, July 3, 1868.

[3] *Daily Republican*, July 2, 1868.

[4] *Gazette*, July 3, 1868.

CHAPTER X

Entrenchment of the Reconstruction Party

The Republican party which reconstructed Arkansas was a highly centralized organization, composed of three distinct elements, no one of which was representative of the intelligent tax-paying part of the population, and dominated by a single mind. Powell Clayton, governor from 1868 to 1871 and United States Senator from 1871 to 1877, dictated its policies throughout the period in which it was in power. Clayton came to Arkansas with the Union army and served with distinction while in command at Pine Bluff after the fall of Little Rock.[1] About the close of the war he married Miss B. A. McGraw of Helena, settled on a plantation in Jefferson County, and steered clear of political activities until the congressional plan of reconstruction had been evolved. When that policy was inaugurated in Arkansas, he threw himself into its support with great earnestness and by the spring of 1868 was the leading Republican in the state. At the general election in March of that year he was elected governor on the Republican ticket. Though a carpetbagger, he claimed to be identified with local interests by virtue of the fact that he had purchased a plantation in Jefferson County and had decided to become a permanent resident of the state. While the more conservative Democrats were at first inclined to view his election sympathetically,[2] a great majority of the

[1] Hempstead, p. 607.

[2] *Van Buren Press*, July 24, 1868.

leaders of that party considered him an adventurer, foisted upon the state by negro votes for the purpose of filling his pockets by the "radical business."[1] The masses of the whites, however, entertained some hope that he would exercise his power with such discretion as would make it respected, and attributed to him qualities of a higher order than those possessed by the average leaders of his party.[2] He was physically courageous, but wanting in sympathy, tact, and political foresight. Before he had had training in civil life and had been liberalized by contact with the United States Senate, he was narrow, suspicious of all opposition, and autocratic in his methods. He endorsed every feature of congressional reconstruction, and proposed to see it accepted by the people of Arkansas without modification. The majority of his fellow Republicans conferred on him almost unlimited power and trusted his leadership with implicit confidence.

The constitution of 1868 conferred on the chief executive ample powers, which were increased by the legislature until they became a real danger to the liberties of the people. During the first session of the legislature under the constitution the governor was authorized to designate in each district or county the newspaper in which all legal notices should appear; to appoint three commissioners, one from each congressional district, to locate the Deaf Mute Institute; to appoint a commissioner of public works for a period of four years; to appoint a tax assessor for each county to serve until the election of 1870, unless removed by the chief executive, in which case the vacancy should be filled by executive appointment; to appoint all county and township officers,[3] to appoint a commissioner of immigra-

[1] *Gazette*, July 30, 1868.

[2] *Daily Republican*, August 12, 1868, quoting the *Washington Telegraph*.

[3] *Senate Journal*, 1868-1869, pp. 624, 625, 677, 698, 707.

tion and state lands, whose public acts he was to approve; and to appoint in each county three citizens as a board of registration to register the voters of the state. He was empowered to fill all vacancies in state, county, precinct, or municipal offices created by the constitution or by statute, his appointees to hold until the first succeeding legislature should approve the appointment or provide another mode for filling such vacancies. He was clothed with final authority in the awarding of millions of dollars of the people's money in aid of railroads; he was empowered to remove all circuit superintendents of public instruction and appoint trustees of the state university.[1] He was made chairman of a board of three to employ a public printer, and was give final authority to pass on the compensation for digesting the laws of the state. In his hands was placed all the power necessary to his complete domination of the government.

As we have seen, the legislature assembled on April 2nd and continued its session until July 23rd, when it adjourned until after the general election of 1868. Though the adult male population of the state was, by a fair estimate, placed at 70,000 Democrats, 23,000 negroes and 500 carpetbaggers, there was only one Democrat in each house of the legislature.[2] It was the Republican boast that they were true men, educated, hardworking "carpetbaggers," who were revolutionizing the state.[3] A majority of the legislature were avowedly partisan and radical, verging on the proscriptive.[4] During the first year of their tenure they were in session more than eight months, engaged for the most part in pro-

[1] *Laws of Arkansas*, 1868, p. 188.

[2] *Gazette*, December 4, 1868. *An. Cyc.*, 1868, p. 40, gives Senate 21 Republicans and 1 Democrat, House 79 Republicans and 1 Democrat.

[3] *Daily Republican*, October 1, 1868.

[4] *Ibid.*, January 21, 1869.

viding a thorough-going legislative basis for perpetuating their own control of the affairs of the state.

The *Gazette's* review of the state's officials suggests to what extent radicalism was already in control. "Reviewing the list of Arkansas officials," that paper said, "we find the names of a very few who were citizens of the state at as early a date as the close of the war. The very names of our governor, two United States Senators, two out of three representatives in Congress, secretary of state, state treasurer, superintendent of public instruction, commissioner of internal improvements, commissioner of immigration, adjutant-general, chief justice and two associate justices of the supreme court, seven out of ten of the judges of the circuit court, public printers, ten superintendents of public instruction, attorney general, solicitor general, ten district attorneys, were absolutely unknown to the people of our state sixty days before their appointment or election! To say nothing of the swarms of unknown members of the legislature, sheriffs, clerks, assessors, collectors, etc. which have made our land as bare almost as the locusts of Egypt. Many of them had their commissions before their feet had even rested upon our soil." [1]

Republicans agreed with their party organ, when it said: "It is indispensable to the unity, success, and permanence of the party that its different elements, its various interests, and all classes of its various adherents should be equally represented and their claims respected. There are opportunities, priviliges and emoluments open to all intelligent members of the new organization." [2] To these ends state and local offices were multiplied, salaries increased,[3] and every resource in the state exploited. Thorough organiza-

[1] *Gazette*, December 22, 1869.

[2] *Daily Republican*, April 24, 1868.

[3] *Van Buren Press*, Aug. 21, 1868; *Laws of Arkansas*, 1868, p. 35.

tion and strict party discipline, together with a careful restriction of the elective franchise, formed the basis of their early success. The legislature established a scale of fees for state and local officers which provided for 237 different fees, ranging in amount from ten cents to seventy-five dollars. The governor revoked all commissions to commissioners of deeds residing without the state, and issued new ones at five dollars each.[1] It was estimated that the secretary of state would realize $6,000 from issuing commissions to county officers.[2] The solicitor-general, in addition to his salary, was allowed a fee of ten per cent from all collections made on amounts due the state on the Seminary and Saline Land sales and on the old bank debts. Tax assessors were allowed three per cent of the collections made on their assessments, and the sheriffs, who were ex-officio collectors, received five per cent on all collections made.[3] In most cases fees were supplementary to salaries.

Appropriations of public funds were made with slight regard to the ability of the people to pay taxes, and all questions involving local expenditures were left to the determination of the "qualified electors,"[4] a class from which a great majority of the taxpaying white people were excluded by the enforcement of a rigid registration law. With the avowed object of increasing the labor supply and developing the resources of the state they created expensive agencies for promoting immigration and internal improvements, but made them convenient for party uses. The public printing was awarded and managed in such a way as to make it a valuable party asset. The system of public schools inaugurated served in a large measure similar ends.

[1] *Gazette*, August 20, 1868.

[2] *Ibid.*, August 5, 1868.

[3] *Laws of Arkansas*, 1868, p. 245.

[4] *Gazette*, July 23, 1868.

To meet the increased demands for revenue required by the new program the general property tax reached "every tangible thing being the subject of ownership, whether animate or inanimate, other than money and not forming part of any parcel of real property" as already defined for taxation. At least a majority of the Republicans in the state escaped the general property tax by a provision which exempted one hundred dollars worth of property from all taxation whatsoever.[1]

The first legislature enacted a law for the registration of the loyal voters in the state.[2] That law required that the governor before August 1st, 1868, appoint in each county three loyal citizens who had resided there six months, as a board of registration. On each county board there was required one justice of the peace or notary public who was to serve as president. Though appointments to county registration boards were for two years, the governor was empowered to make removals at pleasure and fill all vacancies. Registrars were required to take the oath of office prescribed for officers of the state government,[3] to attend at each precinct, dictrict or ward, not more than sixty nor less than ten days before each election in each year of a general election and continue on duty at each place for three days from 9 A. M. to 5 P. M. to register the qualified voters. They were to pass on the qualifications of applicants and issue certificates to all registered.[4] Registrars were to appoint three qualified

[1] *Laws of Arkansas*, 1868; *Van Buren Press*, September 18, 1868.

[2] *Laws of Arkansas*, 1868, p. 52.

[3] *Constitution of 1868*, article xv, section xvii.

[4] No person was to be registered "who during the late rebellion took oath of allegiance to the United States, or gave bond of loyalty or for good behavior, unless he shall show by satisfactory evidence that he has ever kept said oath or bond inviolate, or that he has openly advocated or voted for the reconstruction measures of Congress, or voted for the constitution at the civil polls at the constitutional election of 1868."

voters in each precinct, ward or district as judges of election. While on duty at any registering place they possessed the powers of a circuit court to preserve peace and order. For his services the president, or any member of the board while acting for him, was to receive a per diem of six dollars. Circuit courts were expressly forbidden to issue any writ of mandamus to compel registrars or boards to add or erase names on the lists. During the six secular days immediately preceding any election the registrars were to meet at the county court house as "a board of review" to add or erase names on the lists. Any person aggrieved at the action of the board could, on application, have the testimony bearing on his case certified to the state supreme court in the same manner as were appeals from a circuit court. The law further provided that when for any reason a proper registration had not been made in any county before a general election the governor might order a new registration. Interference with, or bribery or intimidation of persons going to a place of registration, and false swearing by an applicant for registration, were made fellonies punishable by imprisonment for from one to five years.

As a general election was near, it was necessary that registrars be appointed immediately. The social stigma which was sure to attach to any respectable native white person who should engage in such work, together with the governor's unwillingness to appoint any but those who had been consistent supporters of the reconstruction program, made it difficult to secure capable and honest men to serve.[1] Negroes, ex-agents of the Freedmen's Bureau and carpet-baggers supplied the greater part of the ready material. The provisions of the act were too suggestive of partisan designs for native whites of conservative tendencies to accept the responsibility of administering it. Those who accepted found their paths beset with many obstacles.

[1] Clayton, *Aftermath of the Civil War in Arkansas*, p. 50.

The Democrats who early in the year had denounced the whole reconstruction program and had refused to make nominations for office under the proposed new constitution, were now divided. Their state central committee, with R. A. Howard as chairman, supported by the *Gazette,* assumed an aggressive tone. On July 30th, 1868, they issued an address to the people of the state, well calculated to alarm the Republicans. The address announced that after consultation with those at Little Rock and from various parts of the state, for whose opinion they entertained high respect, the members of the committee had "unanimously resolved to recommend to all our fellow citizens that it is the duty of the Democratic party of the State of Arkansas to make a vigorous campaign in the ensuing presidential and congressional election." It renewed the Democratic protest against the usurpation and tyranny of the existing state government and pronounced it unconstitutional "in all its parts and bearings." Nevertheless "as a matter of self-preservation and for their own protection" the central committee advised all the people who could do so to register, qualify and vote in the ensuing election. "Your rights and liberties", they continued, "depend in a great measure, for the time being, upon the efforts to elect conservative men in November, in the various counties and districts, to fill vacancies occurring in the so-called legislature." The address assured the people that Seymour and Blair would be elected, that the United States supreme court would declare the reconstruction acts unconstitutional, and that conservatives would control the United States House of Representatives. It closed with an exhortation for all to lay aside former political opinions and unite on the one great issue, which was declared to be one "between abject slavery and the right of the people to self-government." [1]

[1] *Van Buren Press,* August 7, 1868.

A division appeared at once in the Democratic ranks. Again, as in 1867, protests were raised against disqualified men taking the oath as a matter of expediency, and the bolder ones ventured to declare such action open perjury.[1] The Republican leaders and organs showed their solicitude for Democratic morals by supporting this view, and declared that "the plain, honest old Democrats think three congressmen and five votes for Seymour and Blair are not worth the perjury."[2] When there sprang up among the Democrats a demand for a state convention to formulate a policy for the party, the editor of the *Gazette* and other party leaders declared that there was not time enough for holding a convention before September 10th, the date on which registration was to begin, and advised that a canvass of the counties would do more good than a state convention.[3] The *Gazette* frankly acknowledged that one reason for not holding a convention was to prevent if possible any intrusion of "radical rascality" to deprive the people of their right to vote.[4] It declared that the only remedy against arbitrary conduct of the registrars lay "in the prestige of a thoroughly organized party in opposition, a thorough knowledge of our rights, and a quiet determination to assert them."[5] It did not undertake to define the rights which it claimed.

The Democratic leaders who advised those of doubtful eligibility to offer for registration had evidently adopted the view that the dangers in the system which the radical whites and the negroes were gradually fastening upon the state were sufficient to justify anyone in taking the registra-

[1] General Albert Pike.

[2] *Daily Republican*, August 15, 1868.

[3] *Gazette*, August 22, 1868.

[4] *Daily Republican*, August 20, 1868.

[5] *Gazette*, August 26, 1868.

tion oath, if by that act he might be able to help avert the storm. This course the Republicans characterized as "action without principle to get power and place for a few worn-out politicians," who had brought on one rebellion and were deliberately planning to bring on another in order to overturn the state government.[1] Governor Clayton assured the people that there should be a fair registration and a fair election,[2] and the official organ of the governor's party boasted of the power and authority to make good those assurances, but it reminded the Democrats that such a policy would cost them "that hard oath which you are trying to convince the people is such nasty medicine that it can't possibly remain long on a decent stomach." This same paper said: "You will have to take it in good faith. We intend no willful perjurers shall take part in Arkansas elections. That's it."[3]

With the temper of the people thus excited, the registrars began their work about September 10th. At the same time the state militia was being organized and the Ku Klux were active.[4] Crime naturally followed.[5] Democrats not only offered to register in large numbers, but also interfered occasionally with the plans of the Republicans to control the negro.[6] As the registrars traveled from precinct to precinct, remote from the protection of the authorities who were usually at the county seat and few in number, local

[1] *Daily Republican*, August 21, 1868; Clayton, *Aftermath of the Civil War in Arkansas*, chapter iv, *passim*.

[2] Clayton, *Aftermath*, p. 147.

[3] *Daily Republican*, August 7, 1868.

[4] Conversations with G. W. Winters, J. W. Shoppach, R. C. Vance, Ex-Governor Dan W. Jones and others. *Gazette*, May 2, 1868.

[5] Nordhoff, *Cotton States in 1875*, p. 33.

[6] *Daily Republican*, August 27, 1868. *Gazette*, November 3, 1868.

pressure inclined them to register any man who offered to take the oath. But when they came to "review" the lists, they were at the county seat where local pressure of another kind inclined them to erase names enough to assure a Republican majority.[1]

Throughout the period of registration the congressional canvass was in progress. The Republicans nominated candidates clearly representative of their principles, while the Democrats were forced to put forward men, not especially representative of their views, but who could make claims of having been consistently loyal.[2] All the forms of a normal campaign were followed, but interest lagged as it became evident that the Republicans would elect their candidates in each district, carry the state for Grant, and probably follow that triumph with a declaration of martial law.[3]

A month before the election the temper of the governor was revealed in a proclamation, dated October 6th, setting aside registration in eleven counties,[4] ten of which had given large majorities against ratifying the constitution. On November 1st, two days before the election, Randolph County was added to the list. When citizens of Hot Spring County petitioned for a renewal of registration in their county, the governor replied that no relief would be af-

[1] Nordhoff, p. 33; Herbert, p. 30. See *Van Buren Press*, January 17, 1871, for United States Senator Alexander McDonald's opinion of how his own party had manipulated registration and election.

[2] *Van Buren Press*, August 28th and September 25, 1868; Hempstead, p. 611. The Republican Candidates were (1st Dist.) Logan H. Roots, (2nd Dist.) A. A. C. Rogers, (3rd Dist.) Thomas Boles. The Democratic Candidates were (1st Dist.) C. B. Cameron, (2nd Dist.) J. T. Eliott, (3rd Dist.) T. B. Nash.

[3] *Daily Republican*, October 1, 1868; *Gazette*, October 23, 1868.

[4] Hempstead, *History of Arkansas*, p. 611. The counties were Ashley, Bradley, Columbia, Craighead, Greene, Hot Spring, Lafayette, Mississippi, Sevier, Sharp and Woodruff.

forded a people who had taken no steps to punish the lawlessness which had led him to issue his proclamation of October 6th.[1] The Democrats denied that registration had been interfered with in Hot Spring County, and declared that the registrar, while on duty at a remote precinct where perfect order prevailed, had suddenly declared that he wanted protection, closed his books, and departed for the county seat.[2] But protests failed to move the governor, and the Democrats were confirmed in their suspicions that all promises of fairness from the Republicans were insincere.

The governor's first proclamation eliminated at one stroke a vote containing a Democratic majority of 2822,[3] at a cost of $5,000 for another registration in the counties concerned.[4] That display of power confirmed the worst apprehensions of the Democrats, but did not restrain them from offering to vote. With the returns from fifteen counties rejected, the Republican candidate was elected in each congressional district, and a majority of 3,074, out of a total of 41,230, was cast for the national Republican ticket.[5]

The first enrollment of the legal voters of the state under the constitution of 1868 cost $48,008.61.[6] The regular registration of 1872 and the special registration of 1873 cost an additional $50,000.[7] Throughout the reconstruction

[1] *Gazette*, October 23, 1868.

[2] Herbert, *Why the Solid South*, p. 302.

[3] These figures are based on the vote cast at the election on the constitution.

[4] *House Journal*, 1868-1869, p. 928, gives average cost of registering the counties at $370.

[5] *An. Cyc.*, 1868, p. 40; Hempstead, p. 612.

[6] *Laws of Arkansas*, 1868, p. 331; *ibid.*, 1868-1869, p. 168; *House Journal*, 1871, p. 504.

[7] *Laws of Arkansas*, 1873, p. 6.

period there was at no time a satisfactory official statement of the number of registered voters in Arkansas.

The temper of the white Democrats reached a dangerous point during the spring and summer of 1868 as they came to realize that the new regime was to be recognized by the United States authorities. Early in June a spokesman for the radical Republicans demanded the early organization of the militia. "Hurry the organization," he said, "and let us be ready to strike early and to strike hard." He suggested giving the commander-in-chief ample powers, supplaying the force with the most improved arms, and equipping them in a most thorough manner.[1] Such a militia, it was urged, with loyal men in the ranks and officered judiciously would preclude all necessity for support from the general government.[2] The alarms sounded by the Democrats were attributed by Republicans to a fixed determination to overthrow reconstruction, and Republicans were urged to appeal to the logic of the bayonet.[3] The editor of the *Daily Republican* frankly announced that the object in arming the militia was to enforce the policy of the Republican party.[4] When the Gazette declared there were 60,000 conservative whites ready to take active measures to drive the radicals from power as soon as the state should be readmitted to representation in Congress, the editor of the *Daily Republican* suggested that the legislature would doubtless prepare at an early day an efficient military system to cope with the situation stirred up by pro-rebel threats. He boasted of the excellent material in the state for a reliable, effective militia, and advised the accumulation of ammuni-

[1] *Daily Republican*, June 4, 1868 and June 23, 1868 quoting the *Southern Vindicator* of Pine Bluff.

[2] *Ibid.*, April 11, 1868.

[3] *Ibid.*, April 20, 1868.

[4] *Ibid.*, July 30, 1868.

tion and "Springfield muskets." "If the rebels want war", he said, "let us be prepared to give it to them at once, and all along the line."[1] Members of the legislature were exhorted not to "indulge in, much less act upon, the pernicious delusion that a policy of conciliation should be adopted towards the malignant and unreconstructed adherents of the 'lost cause'."[2]

To this demand the legislature responded by enacting a law providing for the enrollment of the militia and the organization of the state guard. The law provided that all ablebodied electors, not exempted by United States laws, except commissioned officers who had served five years in the state guards, should be divided into two classes, the "State Guard" and the "Reserve Militia." The guard was to include all electors and all such other male persons between eighteen and twenty-one years of age who should volunteer and uniform themselves for service. But the governor was authorized to designate the number of guards for each county and to reject any persons not desired for enrollment. All members of this branch of the service were immune from civil process while going to, returning from, or serving on a call to military duty. The reserve militia included all persons subject to military duty not included in the state guards. Any one belonging to the reserves might commute by paying five dollars annually into the "Military Fund," though such commutation would not relieve him from service in case of "insurrection, invasion, or imminent danger." The whole military force was to be organized after the model of the United States army, and the governor was authorized to district the state for military purposes, issue all orders necessary to place the

[1] *Daily Republican*, May 28, 1868.

[2] *Ibid.*, June 22, 1868.

forces in a state of efficiency, negotiate a loan or purchase of arms from the federal government, and use the forces in aid of any civil officer unable to enforce the law.[1] As soon as the legislature had adjourned several legislators returned home and began enrolling the militia, especially the negroes, who in some cases enrolled en masse.[2] The governor appointed a large corps of staff officers,[3] and began organizing the forces for active service.[4]

Acting on reports that disturbances had occurred in Perry, Conway, and Columbia Counties, the governor issued a proclamation on August 27th, 1868, enjoining all persons to conform to the law, and announcing that the militia would be immediately enrolled.[5] With the full endorsement of the commander of the United States forces in the state, militia officers were ordered to proceed "with the utmost secrecy and dispatch" in the organization of the state guards.[6] Within two weeks all preliminaries had been arranged.[7] Urgent appeals were made for United States troops to be distributed in the counties where the greatest excitement prevailed. Though no forces were sent, the governor received an intimation from the secretary of the Union Republican Congressional Executive Committee that Union States troops would be at his command, if he should decide to declare martial law. The same authority assured him that General Schofield was committed to the proposition. "Believing that this measure cannot fail to have a

[1] *Acts of Arkansas*, 1868, p. 44.

[2] *Daily Republican*, August 29, 1868; Clayton, *Aftermath*, chapter vi.

[3] *Gazette*, August 4, 1868, gives the number of staff officers at eleven and estimates their cost for one year at $25,000.

[4] *Ibid.*, August 13, 1868, quoting the *Daily Republican*.

[5] *An. Cyc.*, 1868, p. 39.

[6] Clayton, *Aftermath*, p. 63.

[7] *Daily Republican*, September 4 and 5, 1868.

beneficial effect upon rebel assassins," said the communication, "I respectfully commend the idea to your prompt and earnest consideration." [1]

While steps were being made to organize the militia the radical press zealously reported outrages, intimidations, and murders against Union men, and occasionally paid its respects to southern morality as exhibited in the relations between masters and their slaves before the war.[2] When a negro was murdered or intimidated, or a court martial interfered with, it was charged to the account of the Ku Klux Klan, quite regardless of the actual facts in the case.[3] The leading Democratic whites asserted repeatedly that they did not propose to fight,[4] declared their willingness to assist in enforcing the law, and petitioned the governor to stop enrolling the militia, and the legislature to repeal the militia law.[5] The petitioners denied the existence of such an organization as the Ku Klux, and attributed the reports of Ku Klux outrages to the desire of the radicals for an excuse to overawe the people with a negro militia.

In many cases where the evidence of Ku Klux activities could not be disputed, the Democratic press charged the outrages and murders to radical Republicans, who were reported as willing to kill any of their own partisans who showed a tendency to join the Democrats.[6] Democratic leaders and their press were no less pronounced in their condemnation of lawlessness than were Republicans.[7]

[1] Arkansas Manuscripts, October 22, 1868.

[2] *Daily Republican*, July 16, 1868.

[3] *Van Buren Press*, June 26, 1868; *Daily Republican*, September 4, 1868.

[4] *Gazette*, August 13, 1868; *Van Buren Press*, July 10 and September 11, 1868.

[5] *Gazette*, September 25, 1868; *Van Buren Press*, October 2, 1868.

[6] Clayton, p. 88; *Daily Republican*, September 10, 1868.

[7] *Daily Republican*, October 26, 1868, on the attitude of whites toward the murder of Congressman James Hinds.

When the editor of the *Daily Republican* asked if the Democrats were willing to rush the state into civil war in a mad attempt to overthrow the state government, the editor of the *Gazette* replied: "We answer unequivocally no. The oppressed people of Arkansas want peace above every thing else in the world. All they purpose to do is to yield to the villainous demands of Congress and the viler convention and legislature of Arkansas, and give in their adhesion to the usurping government so long as it shall continue, by qualifying as voters under it and exercising the franchise in a peaceful way."[1] This announcement was clear proof to the radicals that the Democrats would use any means to overthrow the new government.

The disposition of many ex-Confederates to set aside matters of conscience and take the oath required of electors increased the apprehension of the Republicans that their tenure was not adequately secured. Open denunciation of the law and the registrars who were to enforce it, considered in the light of an avowed willingness to follow a course of expediency in order to get the names of Democrats on the registration books, convinced the radical leaders that something more than a drastic registration law would be necessary to secure the Republican party in power.[2] At the same time a corps of imported detectives, employed by the governor as his secret agents, covered the state and exaggerated every local disturbance into an indisputable evidence of the diabolical Ku Klux.[3] The end which some of these agents met was enough to convince a man of Clayton's type that nothing short of the strong arm of martial law could save the state from anarchy.

[1] *Gazette*, August 13, 1868.

[2] Clayton, *Aftermath of the Civil War in Arkansas*, pp. 50 *et seq.*

[3] *Ibid.*, p. 63; *Van Buren Press*, September 18, 1868.

In the meantime the governor was exerting himself to provide arms for the militia. He appealed to the federal authorities at Washington and was on the point of succeeding, when General Schofield, Secretary of War, received a message from one of his staff officers suggesting that it would not be expedient to listen to or to be governed by the representations of the Governor of Arkansas.[1] He next applied to governors of certain northern states for arms, but failed to get any.[2] He then arranged with a local mercantile firm, Hodges and Weeks, for funds, and appointed James L. Hodges agent of the state, "with instructions to proceed North and make purchase of arms on the best terms he could secure."[3] The agent purchased and shipped 4,000 stands of arms, but at Memphis the transportation companies refused to handle them. The governor thereupon chartered the steamer Hesper to convey them to Little Rock. When a short distance below Memphis the Hesper was visited by unknown individuals from the steam-tug Nettie Jones, the arms thrown overboard, and the Hesper allowed to proceed.[4] That visitation forced the governor to undertake his crusade on a much smaller scale than he had contemplated, and doubtless saved the people some humiliation; but it gave the Democrats excuse to charge that the Loyal Leaguers of the North were shipping in arms for the negroes.[5]

It appears that the two parties sustained about equal damages from the lawlessness of the time, but as the Re-

[1] Welles *Diary*, vol. iii, pp. 460-463; Clayton, p. 108.

[2] Clayton, *Aftermath*, p. 106.

[3] *Ibid.*, p. 107.

[4] Clayton, *Aftermath*, p. 107; *Daily Republican*, October 15 and 17, 1868; *Van Buren Press*, Oct. 23, 1868, gives the cargo as 4,000 Belgian muskets, 100 pounds of cartridges for each gun, several kegs of powder, and 1,500,000 caps.

[5] *Johnson Papers*, October 14, 1868, R. W. Johnson to A. Johnson.

publicans claimed a monopoly of loyalty and the Democrats were unable or unwilling to clear their party of all connection with the Ku Klux Klan, most of the crime was charged to Democrats. On October 24th, 1868, the Pulaski County Republican convention resolved that if murders and assassinations continued and the law did not protect loyal Republicans, they would defend themselves at all hazards.[1] The failure of the governor to declare martial law at that time or earlier was doubtless due to fear that such a course would have an unwholesome effect on public opinion at the North just before the elections. To avoid that and at the same time establish his own party, the opposition was rendered harmless until after the election by a suspension of registration in localities where Democrats offered to register in large numbers, and thus the resort to martial law postponed for the time being.[2]

On November 4th, the day following the election, the governor issued a proclamation, averring that a state of insurrection had made it impossible for the civil authorities to protect citizens and preserve the peace in ten specified counties,[3] attributing that deplorable state of affairs to the work of the "Knights of the White Camelia or Ku Klux Klan," and placing the counties named under martial law. It was announced that martial law would be extended to any other county in which the citizens should fail to abstain from all unauthorized military organizations or should interfere in the affairs of neighboring counties.[4] Three days after this proclamation the state was divided into four military districts: the District of the Southeast under the

[1] *Daily Republican*, October 28, 1868.

[2] *Ibid.*, November 9, 1868.

[3] Ashley, Bradley, Columbia, Lafayette, Mississippi, Woodruff, Craighead, Greene, Sevier and Little River.

[4] Clayton, *Aftermath of the Civil War in Arkansas*, p. 63.

command of Colonel S. W. Mallory, the District of the Southwest under Brigadier General R. F. Catterson, the District of the Northeast under Brigadier General D. P. Upham, and the District of the Northwest with a commander to be appointed later.[1]

As preparations had been under way since late summer, military operations were begun at once. The Democrats charged that the governor had declared martial law without having tried to restore order by a sheriff's posse, as clearly contemplated by the law.[2] They acknowledged that outrages occurred, but attributed them to outlaws, such as Cullen Baker and William Monks, who could be easily managed by a sheriff.[3] They appealed to President Johnson for relief [4] and held mass meetings to set their position clearly before the country.[5] On the other hand the Republicans defended the governor's course as necessary to provide indemnity for the past and security for the future.[6] Ex-Governor Murphy fully endorsed the policy and urged a vigorous campaign.[7]

For approximately four months parts of the state were under martial law. Poorly disciplined militia, 2,000 in number [8] and composed largely of negroes,[9] moved through

[1] Clayton, *Aftermath of the Civil War in Arkansas*, p. 66; *Daily Republican*, November 9, 1868.

[2] *Gazette*, November 6, 1868.

[3] *Ibid.*, November 25, 1868.

[4] *Johnson Papers*, A. H. Garland to A. Johnson, December 7, 1868.

[5] *Van Buren Press*, December 1, 1868; *Gazette*, November 26, 1868; *Daily Republican*, December 21, 1868; *Gazette*, February 9, 1869.

[6] *Daily Republican*, November 19, 1868.

[7] *Ibid.*, November 24, 1868.

[8] *Ark. Sen. Journal*, 1868-1869, p. 708; *Debates in Ark. H. of Representatives on Brig. Gen. Catterson and his Command*, p. 163-164. *Gazette*, December 2, 1868, for Capt. J. E. Tourtelotte's Report.

[9] Herbert, *Why the Solid South*, p. 300; *Van Buren Press*, February 2, 1869.

many counties, seizing provisions and horses, arresting, imprisoning and executing men,[1] looting private residences and storehouses, and occasionally violating women.[2] In some cases the officers levied blackmail on the citizens.[3] A British subject who happened to criticise the appearance and conduct of Upham's troops in Woodruff County was dispatched in a summary fashion.[4] Their favorite method of attack was to enter a place by surprise and announce their presence by seizing a few citizens as a guarantee of good conduct on the part of the others or by firing a volley of musketry.[5] In one case they succeeded in bringing on something resembling a regular engagement. A force of 500 militia moved from Little Rock for an operation in the District of the Southwest. At Center Point, a quiet village where the citizens declared they were not aware that martial law had been declared in their vicinity and had been guilty of nothing more than voting the Democratic ticket,[6] the militia converged from three directions, routed a band of citizens gathered to oppose what they considered an invasion, captured sixty prisoners, and raided a Ku Klux den. After a few days they marched back, and paraded the streets of Little Rock. At the close of this campaign

[1] *Gazette*, December 13, 1868; *Van Buren Press*, February 2 and 16, 1869; *Daily Republican*, February 1st and June 12, 1869; *Gazette*, April 1, 1869. Johnson Papers, January 14, 1869, Thomas Black to A. Johnson on the almost complete devastation of Fulton County.

[2] Ark. MSS., November 13, 1868; *ibid.*, undated, 1868; *ibid.*, January 18, 1869; *Van Buren Press*, January 26, 1869; *Daily Republican*, January 27, 1869; Clayton, p. 128.

[3] *Daily Republican*, February 6, 1869, Captain John H. Hora; *Van Buren Press*, March 9, 1869, on the conviction of Lockheart; *Gazette*, January 17, 1869 for operations in Woodruff County.

[4] *Daily Republican*, March 29, 1869; Arkansas Manuscripts, August 26, 1869.

[5] *Van Buren Press*, January 5, 1869; Clayton, pp. 120, 127.

[6] *Van Buren Press*, January 19, 1869.

the people were called on to rejoice over the approaching peace.[1]

In the District of the Southeast, the commander, Colonel Mallory, employed only colored troops, the majority of whom he enlisted in or near Pine Bluff. With three companies be marched into Drew and Ashley Counties and created such alarm by depredations on property,[2] that the citizens of Monticello agreed with the governor that they would organize home companies of civilians to preserve the peace and enforce the law.[3] The governor had furnished Mallory with the names of a number of persons, with instructions to execute a few as examples and hurry his troops back to Little Rock "as delegates" to a Democratic convention scheduled for early in January.[4] Under such emergencies the militia in that district had to bring their operations to a close. A military commission composed of three officers of the home companies and three officers of the militia was organized for the trial of one Stockely Morgan on a charge of first-degree murder. The sympathy of the community for law and order was so pronounced that the accused was convicted principally on the testimony of his own aunt and uncle.[5] Morgan was executed by militia under Colonel Demby, while the home companies preserved order.[6] The force of martial law having been demonstrated and an example set, civil law

[1] *Daily Republican,* January 6, 1869; *Van Buren Press,* January 12, 1869, quoting the *Gazette.*

[2] *Van Buren Press,* February 2, 1869.

[3] Clayton, p. 117.

[4] Fleming, *Documentary History of Reconstruction,* vol. ii, p. 73. The convention was only a mass meeting designed to get together representative men from all parts of the state to consult on the situation. *Van Buren Press,* December 1, 1868.

[5] Clayton, p. 117.

[6] *Ibid.,* p. 118.

was restored in the District of the Southeast on February 6th, 1869.

In the Northeast, the militia forces consisted of one hundred twenty native whites,[1] four companies of negroes,[2] and six hundred cavalry from Missouri and North Arkansas under William Monks of Missouri.[3] General Upham, who as agent of the Freedmen's Bureau in Woodruff County had become so obnoxious to the people that an attempt had been made to assassinate him, was in command and in a mood to even all scores with his enemies. He expressed himself as ready for a fight.[4] Monks was a desperate character,[5] who had become interested in Arkansas affairs by taking sides in a long-standing feud in North Arkansas and had succeeded in spreading terror through that section of the state.[6] W. A. E. Tisdale and J. E. Watson operated in the territory between Craighead and Phillips Counties. A veritable terror was spread through the entire district. Upham occupied August, seized fourteen of its leading citizens, and announced that his prisoners would be killed if he were attacked.[7] From that vantage-point he ordered the people to bring in arms, while his men plundered the county,[8] levied blackmail on the citizens,[9] and occasion-

[1] Clayton, p. 119.

[2] *Ibid.*, p. 126.

[3] *Ibid.*, p. 127.

[4] *Ibid.*, p. 122.

[5] *Debates in Ark. H. of Representatives on Brig. Gen. Catterson and Command*, pp. 184-185, *et seq.* Johnson Papers, January 14, 1869, Thomas Black to A. Johnson.

[6] *Gazette*, October 25, 1868; *Daily Republican*, October 6, 1868; *Gazette*, December 31, 1868.

[7] Clayton, p. 120.

[8] *Gazette*, December 12 and 19, 1868; *Daily Republican*, December 25, 1868.

[9] *Gazette*, January 17, 1869.

ally murdered a man suspected of being a Ku Klux.[1] Having overawed the people of Woodruff,[2] Upham sent Monks to join Watson, who moved northward from Helena with his negro troops. Their combined forces repeated the scenes enacted by Upham's men, added those of killing prisoners and violating women,[3] and left evidence that they were interested in an extensive organization for stealing horses.[4]

On December 8th, 1868, the governor, on "official information" never divulged that the law could not be enforced, declared martial law in Conway County.[5] The trouble there centered about the village of Lewisburg on the Arkansas River and had smouldered for several months. It began in August, 1868, when the whites disarmed certain blacks who had assembled at court where one negro was to be tried for killing another negro's dog. On the first outbreak of violence in that village, Governor Clayton chartered a steamer and carried a delegation of representative men, Republicans and Democrats, to Lewisburg to advise with the citizens on keeping the peace.[6] When the delegation arrived the white people of the village were in a more comfortable mood and prepared to make fair terms. After the governor had spoken for the majesty of the law and the right of the colored citizens to their arms,[7] and Augustus H. Garland had appealed to all parties to cooperate in the enforcement of the law, it was agreed that the whites

[1] *Gazette*, May 18, 1869.

[2] Clayton, p. 121, for Adj. Gen. Keyes Danforth's Report.

[3] Arkansas MSS., January 18, 1869; *Gazette*, January 9, 1869; *Daily Republican*, January 27, 1869.

[4] *Van Buren Press*, February 9, 1869; *Gazette*, April 23, 1869.

[5] *Daily Republican*, December 11, 1868.

[6] Clayton, p. 144.

[7] *Ibid.*, pp. 145 *et seq.*

restore the arms taken from the negroes and the negroes conduct themselves as peaceable citizens. The terms were not complied with fully by either side.

The enrollment of the militia was begun immediately on the proclamation of martial law in that county and as soon, as it was completed there was begun a hunt for Ku Klux. To even scores the Ku Klux began a hunt for the militia. The excitement reached its height early in December, when a number of dwellings and storehouses at Lewisburg were burned. The Democrats charged the burnings and murders to the militia, and the Republicans charged them to the Ku Klux.[1] It appears that both were guilty. The sheriff of the county was reported as insisting that he could preserve the peace without the aid of martial law.[2] However, the governor's proclamation was issued, and J. J. Gibbon placed in command of the county militia. Immediately a company of colored troops occupied Lewisburg and was later joined by three companies of whites. After a little more than two weeks, during which burnings continued and no perceptible change in the situation appeared, a deputation of citizens visited the governor and pledged themselves and their neighbors to assist in the enforcement of the law, if he would revoke martial law. The proposition was accepted and a proclamation immediately issued restoring civil authorities.[3]

As the scope and character of the martial law policy developed, violent opposition to it sprang up. Mass meetings, in which both Democrats and Republicans joined, were held in all parts of the state to endorse law and order.[4]

[1] *Daily Republican*, December 11, 1868.

[2] *Gazette*, December 29, 1868.

[3] *Van Buren Press*, January 12, 1869.

[4] *An. Cyc.*, 1869, p. 26; *Daily Republican*, February 16, 1869; *Daily Republican*, January 12, 1869.

Delegations of citizens visited the governor to arrange terms on which he would restore civil authorities and accepted whatever the militia commanders demanded as conditions on which their counties should not be invaded.[1] From an ardent supporter of the policy, the editor of the *Daily Republican* became its severest critic.[2] His opposition became so offensive to the radical office holders that United States Senator B. F. Rice and Representatives Logan H. Roots and Thomas Boles telegraphed Governor Clayton that they had to apologize daily for the course pursued by the party organ, and demanded that the legislature sustain martial law as the agency which had given the state more and better character abroad.[3]

In the legislature which reassembled on November 17th, 1868, considerable opposition to martial law developed.[4] Very soon after assembling, the House of Representatives unanimously endorsed the governor's proclamation of November 4th, and somewhat later repeated its endorsement.[5] Finally on January 11th, the majority in the House of Representatives proposed a resolution of thanks to Brigadier General Catterson and his command, the preamble to which recited that the restoration of the civil authorities and the consequent ability of the citizens to protect themselves and enforce the law was a logical deduction from the necessity and expediency of martial law at the time it

[1] *Debates in Arkansas House of Representatives on Brigadier General Catterson and his Command*, p. 159; *Daily Republican*, December 7, 1868; Johnson Papers, 1868, Gen. Horace Porter's Report.

[2] *Daily Republican*, November 19th and 28th, December 14, 1868 and January 9 and 16, 1869.

[3] *Van Buren Press*, January 26, 1869; *Daily Republican*, Jan. 16, 1869.

[4] Herbert, *Why the Solid South*, p. 298; Johnson Papers, 1868, General Horace Porter's Report.

[5] *Daily Republican*, November 25, 1868.

was proclaimed.[1] After a discussion running through eight days and costing the state several thousand dollars,[2] the resolution was adopted 55 to 13.[3] Having thus sustained the governor's policy, the majority proceeded to discipline the editor of the *Daily Republican,* John G. Price, who was speaker of the House. He was deposed from the speakership, and deprived of the public printing.[4] To avoid losing the editorship of the party organ along with his other losses, Price fell into line and in defense of martial law said: "It must now be considered the fixed and settled policy of the Republican party, and every man who now claims membership in the party must come to this standard and sustain the policy. It is the only true policy to be observed, especially at this time."[5] In the same issue he endorsed the position of a member of the legislature who had declared in the House: "We'll make Arkansas Republican or a waste howling wilderness." There was little more ouspoken Republican opposition to the policy, but haste was made to restore the civil authorities.[6] In the legislature and out all party efforts were turned to the establishment of party harmony through further endorsement of martial law.[7]

In response to the demand of the party organ and leaders that those who had served in the militia be secured against

[1] *Debates in Arkansas House of Representatives on Tendering Thanks to Brigadier General Catterson and Command,* p. 3.

[2] *Gazette,* March 31, 1869, estimated the cost at $30,000.

[3] *Debates in Arkansas House of Representatives,* p. 219.

[4] *H. Journal,* 1868-1869, pp. 692 and 695. *Gazette,* Jan. 14, 1869.

[5] *Daily Republican,* January 21, 1869.

[6] Clayton, p. 163. The civil authorities were restored throughout the state by March 21st.

[7] *Senate Journal,* 1868-1869, p. 708.

action in the courts for acts committed in the service,[1] the legislature enacted a general amnesty law, approved April 6th, 1869, declaring legal every act done between November 3rd, 1868, and April 1st, 1869, by authority of the proclamation and orders of the governor respecting martial law.[2] The quartermaster general had announced on January 16th that property taken and receipted for by the militia would be restored at Little Rock on proof of ownership at any time before January 30th, on which date he would sell at public auction to the highest bidder all property, consisting of horses, mules, saddles, bridles, etc., not claimed by that day.[3] Since a majority of claimants lived from seventy-five to one hundred miles from Little Rock, this offer to restore property only within the fifteen days immediately following the announcement caused much dissatisfaction and made it necessary that steps be taken to satisfy all just claims against the state for property taken or destroyed. However it was not until 1871 that a law passed for that purpose. As finally approved, March 28th, 1871,[4] it provided that the governor should appoint "some discreet and suitable" person as commissioner to adjust all militia claims against the state. No claim was to be allowed unless the claimant should make oath that since the adoption of the constitution of 1868 he had not endeavored to overthrow, or advised the overthrow of the government under it, that he had not been a member of any party or organization having for its object its overthrow or resistance to the laws thereof, and that he did not directly or indirectly participate in the resistance to the laws which called forth martial law. The commissioner was to receive

[1] *Daily Republican*, March 24, 1869.

[2] *Acts of Arkansas*, 1868-1869.

[3] *Gazette*, January 20, 1869.

[4] *Laws of Arkansas*, 1871, p. 278.

a salary of $2,500 and his necessary contingent expenses, and kept his office open for one year for the transaction of business. One hundred and twenty-five thousand dollars was appropriated to pay all claims adjusted and an unlimited sum was appropriated to pay militiamen the balance due them for services rendered.

S. W. Mallory was appointed "commissioner of claims" and on April 3rd, issued the notice required by law.[1] Immediately a few carpetbag lawyers began scouring the state purchasing claims or commending themselves to claimants as proper attorneys to press claims before the commissioner.[2] Within two months Mallory had received claims amounting to nearly a half million dollars,[3] had allowed four hundred fifty-five claims, had closed his office, and had gone North for the summer. His clerk soon followed. Of the $120,406.29 allowed, A. G. Cunningham, a lawyer who was reported as having had not over a dozen cases in the Arkansas courts, received $78,868.78. T. D. W. Yonley received $20,215.76 for clients and presumably $772.05 for himself; T. G. T. Steele received $250.00; and fewer than six other lawyers received the balance of approximately $20,000. Most of the large claims allowed went to militiamen themselves; Joe Demby was awarded one, Keyes Danforth two, J. J. Gibbons one, and Mallory two.[4] The commissioner allowed one claim for coffee-mills at seventeen dollars each.[5]

The cost of martial law, exclusive of the $120,406.29 allowed for the payment of claims and the property, lives, and demoralization which could not be evaluated, was exceedingly heavy. Between September 1st, 1868, and Feb-

[1] *Daily Republican*, April 12, 1871.

[2] *Gazette*, May 2, 1871.

[3] *Ibid.*, July 26, 1871.

[4] *Ibid.*, August 5, 1871.

[5] Nordhoff, p. 31.

ruary 5th, 1869, acting Paymaster Stephen Wheeler paid out $84,993.44, with $49,071.00 still due soldiers for service to February 1st.[1] By February 13th, 1869, appropriations for the service had reached $150,000.[2] As we have seen, the law providing for the payment of militia claims appropriated a sufficient sum to pay the balance due for militia service. The same legislature made a specific appropriation of $20,000 for the same purpose.[3] For the purchase of arms $11,054.45 with interest was paid to the Merchants' National Bank of Little Rock and $6,000 with interest to Herman Booker and Company.[4] A sum of $500 was appropriated to educate John Parker, who had lost a leg in the service.[5] To these amounts should be added the $18,111.98 expended by James L. Hodges for the arms destroyed in transit,[6] making a total of $330,676.43, or more than twice as much as it cost to administer the state government for the two years immediately preceding the war,[7] or the period from April 18th, 1864 to October 1st, 1866.

Though the defenders of martial law asserted that its application had restored peace, had relieved the state of many desperate characters, and had shattered the Ku Klux Klan, they did not feel secure. From time to time the militia in different sections of the state were called out for service.[8]

[1] *Arkansas Senate Journal*, 1868-1869, p. 708.

[2] *Laws of Arkansas*, 1868-1869, p. 43.

[3] *Ibid.*, 1871, p. 43.

[4] *Ibid.*, 1868-1869, p. 167.

[5] *Ibid.*, 1871, p. 272.

[6] Report of James L. Hodges to Governor Clayton, in *Report of Department*, 1868, p. 7.

[7] Nordhoff, *The Cotton States in 1875*, p. 34; Herbert, *Why the Solid South*, p. 306; *Gazette*, September 10, 1870.

[8] *Gazette*, October 1, 1871, for a report of a citizen's committee on the calling out of the militia in Sebastian County.

Reports of Ku Klux outrages and the display of Ku Klux designs and orders were prominent features of Republican news.[1] It appears that the Republicans entertained grave apprehensions that a majority of the whites were organized into some mysterious order for the destruction of loyal men. Before martial law had spent its force, the legislature enacted a drastic law for the extirpation of all secret organizations for unlawful purposes. This law declared all members of "the White Camelia" or "Ku Klux Klan" who should fail to dissolve all connection with the order within thirty days, public enemies and outlaws, subject to a penalty of five hundred dollars and imprisonment in the penitentiary for not less than one nor more than ten years, and rendered forever infamous. The courts of the state were required to reject for jury service any man who should fail to clear himself of all connection with that order. To facilitate the enforcement of the act it was made the duty of prosecuting attorneys or grand jurors, or either of them, to summon any person suspected of having knowledge of the operations of any such organization and require them to testify. Should any person evade the summons or refuse to testify, judgment for five hundred dollars was to be rendered against him and collected as other fines. Informing a person that he or she was to be summoned, for failure to perform official duty under the act, was punishable in the same manner and degree as conviction of being a member of the Ku Klux Klan. Persons voluntarily informing on others were to receive half of the fines imposed, and prosecuting officers were allowed five per cent of all forfeitures and assessments made. When any process, issued against any citizen of any county in the state for violation of any provision of this act, should "for any cause whatever" be

[1] *Daily Republican*, October 18, 1871 and August 16, 1871 for typical instances.

returned not executed, a fine of not less than five hundred nor more than five thousand dollars was to be levied on the citizens of the county. Every public officer of the state was required to make oath that he had never been a member of any disguised body of men, "contrary to the laws of the state," and that he had neither directly nor indirectly aided, encouraged or supported such an organization. The scale of fines assessable under this act provided ten thousand dollars for entering a house against the occupant's will, twenty thousand for killing a person at night, and others to be fixed by the trial court in proportion to the seriousness of the offense.[1]

There were very few prosecutions under this act, and no convictions of any consequence. The law was so drastic in some of its provisions and so loose in others as to defeat its own purpose. It authors had failed to judge correctly the character and temper of the southern white people. The Ku Klux Klan, never strong in the state, had been dissolved by orders from General Forrest and the social unrest which often manifested itself in lawless acts was due only in part to that organization. Union Leagues, Republican clubs, and the methods and spirit of the party in power were disturbing factors in society.

After the lapse of a few months the cry against Ku Klux became ridiculous to the more conservative Republicans. The intelligent members of that party, not interested in the spoils of office, soon realized the absurdity of keeping up that alarm as a warrant for trying to stifle the resentment of the Democratic whites. The constantly growing disaffection in the Republican ranks enabled the Democrats to prevent conviction under this and other criminal laws.[2] Mr. Colby, state superintendent for negro schools, traversed

[1] *Laws of Arkansas*, 1868-1869, p. 63.

[2] Clayton, pp. 74 *et seq.*

the state from end to end, established negro schools in the midst of reported outrages, and reported that he had never been molested and that his schools were not disturbed.[1] In Woodruff County a grand jury, instructed to "go for, dig up, and root out" all secret organizations for unlawful purposes, reported that they had examined disinterested and impartial witnesses from every precinct in the county and had failed to find evidence of such organization or spirit of lawlessness as suggested in their charge.[2] Investigations in other localities resulted in similar reports.

As we have seen, the first Republican state nominating convention held in the state called for an official party organ, in consequence of which action the *Daily Republican* was established. On July 14th, 1868, a law was approved, authorizing the governor to designate in each judicial district or county the newspaper in which all legal notices were required to be printed. It was provided further that in case the governor should not find in any such district or county a paper deemed "proper to publish said notices" he might designate a paper published in an adjoining county. In no case was he to designate more than one for each territorial unit.[3] The same legislature enacted a law creating a board consisting of the governor, the secretary of state, and the state treasurer to contract with John G. Price to do all the public printing of the state from April 2nd, 1868, at rate then prescribed,[4] or which might thereafter be prescribed, by law, on condition that should John

[1] *Daily Republican*, July 13, 1870, July 7, 1868.

[2] *Gazette*, July 23, 1871.

[3] *Laws of Arkansas*, 1868, p. 43.

[4] The legal rate for printing was fixed at one dollar for the first, and seventy-five cents for each subsequent insertion of each square of "eight lines of nonpareil type or its equivalent—two hundred and sixteen m's."

G. Price cease to be editor and publisher of the *Arkansas Weekly* or *Daily Republican* at any time previous to January 1st, 1873, the board should be free to employ another printer until the general assembly should meet. The state auditor was required to issue warrants to pay all printing accounts approved by the board.[1] On the twenty-second of February, 1869, a law was passed depriving Price of his contract and adding to the board two members, one designated by each branch of the general assembly. On this new board was conferred full power to make all contracts for the public printing of the state, at any rates not to exceed ten per cent less than those already in force. The board was to reserve in each contract made the power to revoke it at will, and the auditor was required to pay all printing accounts approved by a majority of the board.[2]

Late in July, 1868, the governor by proclamation designated ten official newspapers, one for each judicial circuit.[3] As first designated the official organ was in many cases from fifty to one hundred miles from a large part of the people of the district. They were owned and edited by men comparatively ignorant of the needs of the people,

[1] *Laws of Arkansas*, 1868, p. 336.

[2] *Laws of Arkansas*, 1868-1869, p. 53.

[3] *Gazette*, July 31, 1868. *The Helena Shield* for the counties of Desha, Monroe, Phillips, Crittenden, and Mississippi, *The Madison Free Press* for St. Francis, Woodruff, Cross, Poinsett, Craighead, and Greene. *The Batesville Republican* for Jackson, Independence, Izard, Fulton, Lawrence, Sharp and Randolph. *The Mountain Echo* (at Fayetteville) for Washington, Benton, Madison, Carroll, Newton, and Marion. *The Ft. Smith New Era* for Crawford, Sebastian, Scott, Pope, and Montgomery. *The Arkansas Standard* for Franklin, Johnson, Yell, Perry, Polk and Searcy. *The South Arkansas Journal* (Camden) for Hempstead, Little River, Sevier, Pike, Clark, Ouachita, Calhoun, Union, Columbia and Lafayette. *The Little Rock Republican* for Pulaski, Saline, Hot Spring and Dallas. *The Jefferson County Republican* (Pine Bluff) for Jefferson, Arkansas, Drew, Chicot, Ashley and Bradley. *The White River Journal* for White, Conway, Prairie and Van Buren.

enjoyed meager circulation, and were supported by a constituency scarcely able to read.[1] They were as a rule violently partisan in temper, ready at all times to represent manifestations of lawlessness as evidence of Democratic conspiracy,[2] and occasionally to advise loyal people to boycott business men who had been Confederates.[3] Abject servility to the governor's will was exacted of every paper which enjoyed a share of the public printing.[4] The editors of the official organs rendered valiant service in the struggle to maintain party discipline and unity.[5]

When the state printer opposed the declaration of martial law the legislature deprived him of his contract rights, and he found himself forced to share the ownership of the official organ with the governor's private secretary and brother-in-law.[6] He thereupon announced that he had yielded his own cherished ideals to the will of Governor Clayton, the head of the party, and would thenceforth faithfully support him.[7] It appears that bribery was freely used to secure awards as well as to increase the amount of printing required.[8] When the ambitious George W. McLane of New York contemplated establishing at Helena a "full blooded" Republican paper, he first inquired of the governor, A. O. Hadley, what encouragement he might expect to "foster and keep alive the enterprise herein stated from

[1] *Gazette*, August 10, 1869. Conversation with Judge Carroll Armstrong, Mr. G. W. Winters, Ex-Gov. Dan W. Jones and others.

[2] *The Liberal*, September 4, 1869.

[3] *Gazette*, September 7, 1869.

[4] *Daily Republican*, February 25, 1869; *The Liberal*, September 4, 1869.

[5] *Daily Republican*, August 17, 1871.

[6] *The Liberal*, August 19, 1869 and May 17, 1869; *Van Buren Press*, May 11, 1869.

[7] *Daily Republican*, February 25, 1869.

[8] *Van Buren Press*, February 23, 1869.

the state under your administration".[1] Without such "encouragement" it was virtually impossible for a Republican paper to live, and when it was withdrawn it meant an early failure of the organ. There was a constant changing of official organs, with a rather general shake-up under each succeeding governor.[2] After 1870 there was a tendency to distribute the patronage among a large number of papers. When, in 1869, the printing for the city of Little Rock was awarded to the *Gazette*, the radical press was outraged to see that paper in the garb of republicanism.[3] After Elisha Baxter became governor official printing was awarded to a greater number of Democratic papers,[4] and in 1873 the state printing was given to the *Gazette*.[5] With that change of policy the local Republican papers began to fail, and after the Brooks-Baxter controversy of 1874 the *Daily Republican* shrank to a weekly.

The cost of state printing, which during the last two years of the war was $17,637.02, amounted to $116,774 during the first two years of Republican rule.[6] For a little less than the first two and one half years the printing expense was $175,513.81.[7] For this sum the state had received only a small part of the printing contracted for, and that was of an inferior quality.[8] From July 3rd, 1868, to March 26th, 1871, the state printing bill amounted to $209,213.62.[9] For that period the appropriation from state printing was "a

[1] Arkansas MSS., June 10, 1871.

[2] *Gazette*, February 24, 1872; *Van Buren Press*, July 8, 1873.

[3] *Daily Republican*, January 20, 1869.

[4] *Van Buren Press*, July 8, 1873 and June 24, 1873.

[5] *Daily Republican*, July 28, 1873.

[6] *Gazette*, May 26, 1871.

[7] *House Journal*, 1871, p. 500.

[8] *Senate Journal*, 1871, p. 390.

[9] *Gazette*, May 28, 1871.

sufficient sum" for all state printing, the accounts to be examined and certified by the board of commissioners on public printing.[1] In his message to the legislature of 1871 Governor Clayton called attention to the fact that scores of useless documents were printed every year.[2] That legislature appropriated for the same purpose "a sufficient sum not to exceed $50,000 per annum," [3] but two years later the limit was raised to sixty thousand dollars.[4] These appropriations did not cover the printing required by individual state officers. In 1872 it was charged that the annual cost of the public printing under Republican rule exceeded the annual cost of the whole state government prior to the war.[5]

The amount spent by the state was insignificant as compared with that contributed by individuals for legal printing. Tax collectors reaped enormous sums through the simple device of multiplying the number of notices of lands on which taxes had not been paid. That practice became so prevalent that the auditor openly warned printers that they should receive no pay for superfluous insertions.[6] Among the initiated printing awards were considered but a just compensation to those who had fought "battles for the spoils." [7]

[1] *Laws of Arkansas*, 1868-1869, p. 167.
[2] *Senate Journal*, 1871, p. 35.
[3] *Laws of Arkansas*, 1871, p. 42.
[4] *Laws of Arkansas*, 1873, p. 270.
[5] *Gazette*, February 24, 1872.
[6] *Daily Republican*, April 29, 1872.
[7] Arkansas MSS., June 10, 1871.

CHAPTER XI

Reconstruction in Education

In 1860 there were in forty counties of Arkansas seven hundred twenty-seven common schools with 19,242 pupils in attendance.[1] It is probable that there were such schools in every county of the state.[2] They were supported by $200.00 from endowment, $1,100 from taxation, $13,356 from public funds, and $105.957 from other sources.[3] While these were not free schools supported altogether or in large part by taxation, they were free in the sense that any white child of school age might secure gratuitous instruction in them. A study of the distribution of these schools and of the slave-holding population leads to the conclusion that there were many schools in which there was not a child from a slave-holding family. It appears that there were twenty-five common schools supported wholly by the common school fund.[4] Within six years the number of common schools had increased more than one hundred per cent and attendance on them more than two hundred per cent.[5] At the same period there were one hundred thirteen other schools, including four colleges, with one hundred

[1] Weeks, *History of Public School Education in Arkansas.* The *Gazette*, August 9, 1869, gave 727 public schools for 1860. The *American Year Book* for 1869 agrees with the *Gazette.*

[2] *Gazette*, July 26, 1871.

[3] Weeks, p. 45.

[4] *Ibid.*, p. 44.

[5] *Daily Republican*, July 8, 1870; Supt. Thomas Smith.

seventy-five teachers and four thousand six hundred forty pupils. These were supported by an income of $63,146, only $700.00 of which was raised by taxation.[1]

Practically all educational activities ceased during the war, and most of the school funds were lost with the failure of the Confederate state government. The first general assembly under the constitution of 1864 did nothing towards establishing a system of public schools, except to hear from the House committee on education a scathing accusation that the ante-bellum public servants of Arkansas had squandered the lands donated by the United States for educational purposes.[2] The session of 1866-1867, which was controlled by ex-Confederates, enacted a law providing for the establishment of a system of free public schools, but limited in its operations to the whites. It levied a tax of twenty cents on every one hundred dollars worth of taxable property in the state for public school purposes and provided that the income from the sales of seminary, saline, and sixteenth section lands should be devoted to the same purpose. It provided for a state superintendent, elected in the first instance by the general assembly but in 1868 and thereafter by the qualified electors in the state, to exercise general supervision throughout the state. The superintendent's salary was fixed at $1,500. The electors in each county were required to elect biennially a county common-school commissioner, whose duty it should be to examine and license teachers, prorate the county funds among the districts, and exercise general supervision throughout the county. Each congressional township was made a school district, the qualified electors of which were required to elect annually three free white male electors as trustees to administer local school affairs. Any incorporated town might

[1] Weeks, p. 45.

[2] *House Journal*, 1864, 1864-1865, 1865, p. 87.

organize itself into one or more separate school districts.[1] Under this act F. R. Earle, president of Cane Hill College, was elected state superintendent of public instruction and succeeded in organizing the work to the point of opening a number of schools, before his activities were suspended by an order of General Ord, commander of the fourth military district. However short-lived the law, it was a great step towards the establishment of a genuine system of free public schools. There was collected under its provisions and turned over to the Republican school authorities on their accession to office $64,875.32.[2]

As we have seen, the education of the negro had been begun under the lessee system and continued under the Freedmen's Bureau. By 1868 the negroes as a class were familiar with free public education. These early experiments served further to bring into the state a corps of teachers for negro schools and to remove from the minds of many whites all prejudice against educating the negro. They transmitted to later authorities a considerable amount of school property and a vast amount of information valuable in the solution of the problem of negro education. In the light of all other developments, it is not to their disparagement that they failed to inaugurate the kind of education best adapted to the negro's needs.

The constitution of 1868 provided that the general assembly should provide for the establishment and maintenance of a system of free public schools for the gratuitous instruction of all persons in the state between the ages of five and twenty-one years, and prescribe by law the manner in which the common school funds should be distributed to the several counties in the state. It provided further that supervision of the system should be vested in a superin-

[1] *Laws of Arkansas*, 1866, approved March 18, 1867.

[2] *State Treasurer's Report*, November 23, 1868, p. 43.

tendent of public instruction and such other officers as the general assembly might provide. For the establishment and maintenance of the system it provided: "The proceeds of all lands that have been, or hereafter may be, granted by the United States to this state, and not otherwise appropriated by the United States to this state; also all mines (moneys), stocks, bonds, lands, and other property now belonging to any fund for purposes of education; also the net proceeds of all sales of lands and other property and effects that may accrue to this state by escheat, or from sales of estrays, or from unclaimed dividends or distributive shares of the estates of deceased persons, or from fines, penalties, or forfeitures; also any of the proceeds of the sales of public lands which may have been, or hereafter may be paid over to this state (Congress consenting); also the grants, gifts, or devises that may have been, or hereafter may be, made to ths state, and not otherwise appropriated by the terms of the grant, gift, or devise, shall be securely invested and securely preserved as a public school fund, which shall be the common property of the state, the annual income of which fund, together with $1.00 per capita, to be annually assessed on every male inhabitant of this state over the age of twenty-one years, and so much of the ordinary annual revenue of the state as may be necessary, shall be faithfully appropriated for establishing and maintaining the free schools and the university in this article provided for, and for no other purpose or purposes whatever."[1] It required the general assembly to establish and maintain a state university, and to enact a law empowering counties, townships, or school districts to levy local taxes for supplementing their portion of the state funds, and authorizing school districts to levy taxes to build and furnish "a sufficient number of suitable school houses."

[1] Poore, *Constitutions of the United States*, vol. i, p. 146; Weeks, p. 51.

On July 23rd, 1868, Governor Clayton approved the law under which education was to be carried on by the reconstructionists. It set aside the funds and levied the tax required by the constitution and created a board of commissioners of the common school fund, consisting of the governor, the secretary of state, and the superintendent of public instruction, to manage and invest the school funds. It provided that the state be divided into districts which would afford every child of school age an opportunity to attend school, each district to be clothed with corporate power. The superintendent of public instruction was to be elected quadrennially, maintain an office at Little Rock, make annual reports to the governor and biennial reports to the general assembly, apportion the school funds to the several districts, after deducting the salaries of the circuit superintendents, and exercise general supervision over common school interests throughout the state. There were provided ten circuit superintendents, one for each judicial circuit, appointed by the governor for a term of four years and removable by him "on proof of incompetence," and compensated by a salary of $3,000 from the school funds. The circuit superintendent was to examine and license teachers, conduct annual teachers' institutes, visit the schools of his district once each term, apportion the school funds to the counties in his district, and make annual reports to the state superintendent. A state board of education, consisting of the state superintendent and the circuit superintendents, was created and empowered to make regulations for all educational work, within the limits prescribed by the constitution and statutes and subject to the approval of the general assembly, and to make provision for establishing separate schools for the whites and blacks.

The law provided for one annual teachers' institute for each county, and limited the amount which might be ex-

pended for that purpose to fifty dollars. In each school district the electors were required to hold annually on the third Saturday in December the "Annual School Meeting of the District," at which as many as five electors could elect trustees, designate sites for school buildings, fix the term of the school year beyond three months, determine the amount of local taxes the district should raise, and do any other business or incur any other exepense deemed necessary to the successful operation of a school. One district trustee was to be elected at each December meeting. Any person refusing to act as trustee was to be fined fifty dollars. Trustees received two dollars for each day, not exceeding ten days a year, actually given to school affairs.[1]

On February 4th, 1869, an act was approved authorizing any incorporated city or town to form a separate school district. This law provided that on the petition of any twenty voters in a city or town the mayor should within five days designate a day, not less than seven nor more than fifteen days distant, on which the electors should decide by majority vote whether their town or city should be a separate school district. At this election the electors were to vote "For the School Law" or "Against the School Law." In case the vote was for a separate district, the electors were empowered to elect a board of six directors, who were authorized to purchase, hold, and dispose of school property, examine and employ teachers, discipline schools, select text books, levy local tax necessary to maintain schools for the term they should fix, levy a back tax for 1868 for school purposes, determine the subjects taught, grade and visit schools, and do numerous other acts.[2]

The Republicans defended the new law as just and ade-

[1] *Laws of Arkansas*, 1868, p. 163.

[2] *Ibid.*, 1868-1869, p. 20.

quate and insisted that the system be fully organized as rapidly as possible.[1] The Democrats heartily endorsed popular education, but opposed the proposed system on the ground of economy, pointed out the fact that it was weighted down with superfluous and high-salaried officials, and declared that it was but a beginning in popular education, and would require years for its full development.[2] They insisted that "the idea of education should be developed with the resources of the state."[3]

The foundation on which the school authorities had to build was exceedingly defective, though by no means insignificant. The masses, white and black, were by experience prepared for all the features provided for in the new system except that of a burdensome officiary and taxation. Competent teachers were scarce, and the men qualified to serve as local school officials were rendered indifferent, and often antagonistic, by the fact that they were not permitted to vote on any question concerning school affairs. Many of the "old citizens" gave their hearty support to the school authorities,[4] but Republican politicians expressed themselves as averse to seeing men of the "old Democratic School" in responsible school positions.[5] As political considerations were of first importance with the authorities, but few Democrats were elected, and none appointed, to places in the system. However, the more conservative white leaders at first urged parents and guardians to cooperate with officials to make the schools run harmonously.[6] As soon as the state board of education provided for separate schools

[1] *Daily Republican*, February 18 and May 25, 1869.

[2] *Gazette*, December 2, 1868; *Van Buren Press*, December 8, 1868.

[3] *Gazette*, January 24, 1869.

[4] Weeks, p. 54.

[5] *Daily Republican*, May 31, 1869.

[6] *Van Buren Press*, February 9, 1869.

for whites and blacks, the only opposition the whites offered was based on the extravagance and corruption practised by those in authority. The opposition, ignorance, and indifference of the conservative whites could not have obstructed the work, if there had been harmony, efficiency, and honesty among those who administered it. The state superintendent was bitterly opposed to the system, and managed to criticise some feature of it in every report. There was a complete lack of sympathy between him and the governor and the governor's appointees.[1] Other difficulties arose in connection with closing out the school business established under the law of 1867.[2] The greatest of all their difficulties was to find adequate employment for all the salaried officials attached to the system.

The work of organization was begun August 1st, 1868, when the state superintendent, Thomas Smith, opened his office at Little Rock.[3] Circuit superintendents were appointed immediately, but could accomplish little during the remainder of the year, because of the unsettled conditions which prevailed. The state board of education met first on September 14th, 1868, and held a six days session, "during which the utmost harmony and good feeling prevailed, and various subjects relative to the system of free schools and the general interests of popular education were fully and freely discussed."[4] After that meeting the circuit superintendents entered upon their duties. By November "three or four of them had made some progress in organizing their counties," but no progress whatever in organizing schools. Early in January, 1869, the board held at Little Rock a second meeting, at which they spent several days

[1] Clayton, p. 231.

[2] *Report of the Supt. of Public Instruction*, Nov. 12, 1868, pp. 38, 39.

[3] Weeks, p. 54.

[4] *Report of Supt.*, November 13, 1868, p. 37.

arranging details for putting the new system in operation.[1] When conditons became favorable after the revocation of martial law in 1869, the work was pushed with some show of energy. Dr. Sears, representing the George Peabody Educational Fund, visited the state in 1868, advised with local school authorities and citizens in a number of towns, and offered liberal donations for educational purposes in towns where the people would contribute liberally to the same end.[2] Throughout the period that foundation contributed freely, in both advice and funds, to the advancement of the educational interests of the state.[3]

The Freedmen's Bureau turned over to the school authorities all the schools under its control, and entered heartily into the development of negro schools under the new order. On March 1st, 1869, General C. H. Smith, the assistant commissioner and chief superintendent of schools under the Bureau, issued an order dividing the state into three districts, with a superintendent in each, for the purpose of cooperating with the state authorities in inaugurating negro schools under the new laws. These agents were instructed "to disseminate among the colored people correct information on the subject of public school economy, including the selection of school house sites, the proper seating, lighting, and ventilation of school rooms," to advise with them on the organization, classification and administration of schools, and to impress upon them the importance of regular, punctual, and continued attendance by the pupils. They were to visit different parts of their districts, with a view to examining the old schools and establishing new ones.

[1] *Gazette*, January 24, 1869.

[2] *Gazette*, November 29, 1869, and March 30, 1869; *Van Buren Press*, December 22, 1868.

[3] *Daily Republican*, April 22, 1870 and November 2, 1874; *Gazette*, July 30, 1873.

While the building of new school houses by the government was to cease, it was suggested that slight repairs would be made and liberal rents paid when a school could thereby be put in successful operation. The whole corps of Bureau teachers joined the new teaching force.[1] Negroes were urged to erect new school houses, "say 20 x 35," and call on the Bureau to furnish them.[2] It appears that the whites gave no trouble to those engaged in promoting negro schools.[3] This part of the work moved off with less friction than that directly under the state board of education. For April the superintendents reported fifteen day schools, with 481 male and 552 female pupils enrolled, and nineteen teachers employed. In addition to these, there were thirteen Sabbath schools, with 1,167 pupils and 75 teachers. For maintaining these schools there was expended $1,755, of which the freedmen contributed in tuition $126.85.[4]

As early as March, 1869, a few schools were reported organized by the superintendents, but the ardor of teachers was cooled by the failure of the school authorities to pay salaries. The funds could not be apportioned until enumeration of the school population had been made, and circuit superintendents had been negligent in making the enumeration.[5] Before that work was accomplished the Merchant's National Bank, in which the school funds were deposited, suspended payment.[6] The state superintendent in announcing these obstacles remarked: "Have patience and our free school system will be a triumphant success."[7]

[1] *Daily Republican*, March 4, 1869.

[2] *Ibid.*, June 1, 1869.

[3] *Gazette*, June 11, 1870. *Daily Republican*, July 13, 1870.

[4] *Daily Republican*, May 24, 1869. Only one of the nineteen teachers was a negro.

[5] *Report of Superintendent*, November 13, 1868.

[6] *Daily Republican*, April 29, 1869.

[7] *Ibid.*, April 29, 1869.

On June 15th, 1869, the *Daily Republican* claimed that there were "in successful operation, nearly, if not quite, three hundred schools." During the year, 1869, 176,910 children of school age were enumerated, 67,412 attended school, and 1,335 teachers were employed at a salary cost of $188,297.[1] In the same twelve months the ten circuit superintendents conducted twelve teachers' institutes. The total expenditures for this progress amounted to $295,727.80. This, however, does not include the $64,875.32 in the treasury on July 3rd, 1868. In 1870 there were in the state according to Superintendent Smith's statement, 180,274 children of school age, of whom 40,884 were colored. During that year 88,583 whites and 19,280 blacks attended school. These were instructed by 2,302 teachers at a cost of $405,748.37 in salaries. By the close of that year there had been erected under the new law 657 school houses at an average cost of $227.00. The total expended for educational purposes in 1870 was $569,475.87. In that one year the amount raised by district taxation increased from $105,235 to $320,583.79.[2] The total amount expended for educational purposes during 1871 and 1872 was $970,306.74.[3]

The record year for reconstructed education was 1870. The legislature of 1871 limited local taxation for school purposes in country districts to five mills on the dollar, and in cities and towns to seven and one half mills on the dollar.[4] Before the passage of that act district school taxes were in many cases excessively high. Those of the Pulaski County

[1] Clayton, p. 227; *Daily Republican*, June 29, 1870; *Gazette*, June 29, 1870.

[2] Clayton, p. 228; *House Journal*, 1871, p. 27; *Daily Republican*, January 15, 1870.

[3] *Laws of Arkansas*, 1871, p. 177.

[4] *Report of Supt.*, 1872, p. 134.

districts ranged from one to thirty-five mills, with an average of twelve and six-sevenths mills, on the dollar.[1] Those of Crawford County were but slightly lower. By another act the legislature authorized the issue of interest-bearing treasurer's warrants and made them receivable for school taxes.[2] That opened the school funds to the scrip speculators. It was not long before the manipulations of tax collectors and the scrip dealers had reduced the value of school warrants to forty cents on the dollar, and in many cases still lower. Teachers, superintendents, trustees, and all other persons whose necessities forced them to cash their warrants found that they were realizing about half of their salaries, and many of them withdrew from the profession.[3] A great many schools were closed out right, while others were forced to shorten their sessions and employ less competent teachers. At the same period the Democrats and Liberal Republicans pointed with telling effect to the extravagance and corruption of the system. The scope and char-

[1] *Van Buren Press*, February 23, 1869. The *Gazette*, October 26, 1869, gives the following as rates of district taxation in Pulaski County:

Fourche township	35	mills on the dollar
Big Rock township	15	" " " "
Bayou Metre township	20	" " " "
Maumelle township	5	" " " "
Eagle	15	" " " "
Gray township	4	" " " "
Mineral township	1	" " " "
Pylatt township	15	" " " "
Ashley township	10	" " " "
Plant township	10	" " " "
Campbell township	21	" " " "
Union township	10	" " " "
Eastman township	10	" " " "
Owen township	5	" " " "

[2] *Laws of Arkansas*, 1871, p. 15.

[3] Clayton, p. 231; *Report of Supt.*, 1872, p. 7.

acter of the decline in educational activities for 1871 and 1872 were striking.[1]

They show a heavy decrease in every aspect of the work, except in the poll tax and the apportionment of the state school fund. The most suggestive decrease is that of $127,730.29 in the amount raised by local taxation. "From a condition of vigorous growth of popular sentiment in favor of the system," commented the superintendent, "there has come to be a sickly, feeble and hesitating state of feeling among the people with respect to the free school enterprise."[2] That feeling reacted on the superintendents, who had never been vigorous, and after that period their reports were incomplete, irregular and misleading. The legislature of 1873 enacted a law abolishing the office of circuit superintendent and creating that of county superintendent,[3] with annual salaries ranging from three to five hundred dollars, but it failed to restore confidence or efficiency in the system. On January 4th, of that year, a "carpetbag" negro, J. C. Corbin, became state superintendent, and apparently hastened the collapse of the machine. Before the end of the year the attorney-general, E. W. Gantt, gave an opinion that the auditor could not pay out, or draw his warrant on, the school funds in the usual way.[4] For the year following that opionion there was apportioned only about $55,000 in scrip, or the equivalent of $19,000 in currency.

[1] *Report of Supt.*, 1872, p. 138. The years 1871-1872 show the following shrinkage: Enumerated children of school age 196,237 to 194,314; number attending school 69,927 to 32,863; number of teachers employed 2,128 to 2,035; number of institutes conducted 31 to 25; amount paid in teachers' salaries $424,443.10 to $355,624.90, and for the years 1870-1871 the following increases were made: Number of persons paying poll tax 41,712 to 55,726; apportionment of state school fund $167,973.70 to $212,376.06.

[2] *Ibid.*, p. 7.

[3] *Laws of Arkansas*, 1873, pp. 394 *et seq.*

[4] *Gazette*, October 5, 1873. Weeks, p. 57.

Obstacles seemed to arise from every source, and soon schools were closed, except where private funds supported them. The state superintendent was slothful in business and resentful of the intermeddling of the governor. Supervision under the circuit superintendents was inefficient. Most of them neglected their duties to work in the interest of their party. The institutes which they conducted at a cost of fifty dollars to each county were little more than political gatherings in which both teachers and superintendents worked faithfully for the party's interests.[1]

Teachers were as a rule inefficient, many of them grossly ignorant.[2] A few of the brighter spirits among them endeavored to promote a state teachers' association, but were unable to accomplish any definite results.[3] Under the editorship of Superintendent Smith they established and conducted the Arkansas Journal of Education, but were not able to make it serve very well their school officers and teachers. It was subsidized by the Peabody fund,[4] heartily endorsed by the editors of the state, and in 1873 made the official organ of the state board of education, but soon passed out of existence. It was a worthy enterprise and formed one of the most valuable contributions made by the reconstructionists to education.[5]

If the people were indifferent towards popular education, it was largely due to the inferior quality of their leaders and teachers. While teachers' salaries were on an average very low, in Little Rock and other places third-grade teachers

[1] Arkansas MSS., January 7, 1872, H. A. Price to Governor Hadley; *Daily Republican*, March 21, 1872.

[2] *Daily Republican*, February 22 and March 22, and May 20, 1869; *Van Buren Press*, September 20, 1870; *Daily Republican*, September 3, 1870 for opposite view.

[3] *Arkansas Journal of Education*, 1871, *passim*.

[4] *Report of Supt.*, 1872, p. 36.

[5] See number for April, 1871, for specimen of contents.

occasionally drew seventy-five dollars a month.[1] In 1870 the monthly salaries paid Little Rock teachers ranged from two hundred ten dollars for the superintendent to one hundred for the lower grade teachers.[2] It was difficult for any but faithful Republicans to secure teaching positions. A Dartmouth College graduate, who had established a reputation as an instructor and had the endorsement of the leading tax-payers of his ward, was rejected by the school board of Little Rock without explanation.[3] White teachers in negro schools were held in contempt by the whites.[4] The Augusta *Bulletin* deemed it an imperative duty of the southern people "to get rid of these saintly and scholarly devils as soon as possible."[5] It was charged that the radical office holders converted the whole force into an electioneering machine.[6] All elections for school officials were bitterly partisan,[7] but it appears that there were both districts and schools efficiently conducted.[8]

The text books first adopted were McGuffey's Spellers and Readers, Ray's Series of Arithmetics, the Spencerian System of Writing, Guyot's Series of Geographies, Green's Grammar, Quackenbos' United States History, and Webster's Dictionaries.[9] In some cases teachers were forbidden

[1] *Daily Republican*, May 20, 1869.

[2] *Ibid.*, July 29, 1870; *ibid.*, July 13, 1874, states that they had been reduced forty per cent.

[3] *The Liberal*, July 22, 1869.

[4] *Van Buren Press*, December 14, 1869; *Gazette*, May 30, 1871.

[5] *Daily Republican*, April 29, 1871, quoting the *Augusta* (*Ark.*) *Bulletin*.

[6] *Gazette*, October 26, 1870; *Liberal*, August 24, 1869; *Daily Republican*, March 21, 1871.

[7] *Gazette*, Feb. 13, 1869; *Van Buren Press*, Dec. 19, 1871; *Daily Republican*, Dec. 18, 1871, Dec. 11 and 23, 1873.

[8] *Daily Republican*, July 1, 1870; *Gazette*, June 11, 1870.

[9] *Daily Republican*, February 1, 1869.

to teach any other texts. Occasionally there was revived by the Democratic press the demand that only books of southern production be taught in the public schools.[1] In January, 1871, there were added Worcesters Dictionaries, Walton's Mathematical Tables, Hutchinson's Physiology, Robinson's Higher Course in Mathematics, and Steele's Fourteen Weeks in Philosophy, Geology, and Astronomy.[2] A conservative editor declared that one of the chief defects of the whole educational system was that the superintendent was more interested in changing text-books in the interest of certain publishing houses than in looking after the legitimate duties of his office.[3]

At the beginning of the reconstruction period there was no state-controlled institution of higher learning in Arkansas. The legislature under the constitution of 1864 had taken steps to preven the forfeiture of the benefits of the act of Congress, approved July 2nd, 1862, donating public lands to those states and territories which would provide colleges for the teaching of agriculture and the mechanic arts. The constitution of 1868 required that the general assembly "establish and maintain a state university, with departments for instruction in teaching, in agriculture, and the natural sciences as soon as the public school fund will permit."[4] The first session of the legislature of 1868 passed an act to provide for the establishment of an industrial university.[5] The act provided that individuals, counties, towns, cities, and townships might bid for the location of the institution, and created a board of trustees who should

[1] *Daily Republican*, April 29, 1871, quoting *Augusta Bulletin*.

[2] *Report of Supt.*, 1872, pp. 20, 23.

[3] *Van Buren Press*, March 31, 1874.

[4] Constitution of 1868, art. ix, sec. 3.

[5] *Laws of Arkansas*, 1868, p. 327.

report to the next General Assembly the progress made on the question of location.[1] However, nothing was accomplished under the act.

The legislature of 1871 enacted a law providing for "the location, organization and maintenance of the Arkansas Industrial University, with a normal department therein."[2] Like the act of 1868, this measure provided for locating the proposed university through competitive bids, and provided for the creation of a board of trustees who should receive and canvass all bids, award the location, and take steps to organize the school.

Early in June of 1871 the board of trustees was organized. It appears that no great enthusiasm developed over the question of location, but during the summer and early autumn a number of bids were made. On October 17th, 1871, the board, after a canvass of all bids, "declared and ordered that the Arkansas Industrial University be permanently located in the county of Washington."[3] During the month of November a committee of the board visited Washington County and selected Fayetteville as the place for establishing the school.[4] In the meantime a committee of three had visited Illinois and Michigan, with a view to gathering information which might serve the board in organizing the university.[5] As the time within which the state might qualify for donations of land under the congressional act of July 2nd, 1862, would expire on February 12th, 1872, organization was effected hurriedly.[6] A preliminary open-

[1] Reynolds and Thomas, *History of University of Arkansas*, p. 17.

[2] *Laws of Arkansas*, 1871, p. 201.

[3] Reynolds and Thomas, *History of University of Arkansas*, p. 57; *Daily Republican*, June 14, 1871.

Reynolds and Thomas, *Hist. of U. of Ark.*, p. 62.

[4] Reynolds and Thomas, p. 63.

[5] *Ibid.*, p. 69.

[6] *Ibid.*, p. 70.

ing occurred in January, 1872, with the matriculation of seven students the first day.[1] The enrollment reached one hundred before the formal opening, June 22nd, 1872, and three hundred twenty-one before the end of the reconstruction period.

The first faculty appears to have been non-partisan, with a president born in Kentucky and educated in that state, Missouri and Illinois.[2] The course of study was elementary, but altogether adequate to the demands of the students. Teachers' salaries were ample nominally, but were paid in depreciated scrip which reduced them about one half.[3] On the whole the reconstructionists did well in promoting the university. Of course the tax-payers of the state, and especially those in Washington county, bore the financial burdens, and the faculty supplied the devotion and sacrifice, but the radicals deserve credit for not perverting the institution to party ends.

The question of admitting negroes to the university was a delicate one for those in authority. On January 17th, 1872, the trustees resolved that when that question should arise "in the course of events pertaining to the regulation of the University," it should be disposed of "as the sound discretion of the executive committee may dictate."[4] The institution was opened to all, "without regard to race, sex or sect."[5] However, at a meeting of the state board of education, January, 1873, the following preamble and resolution was adopted: "Whereas, our industrial university is located in one border of the state, and whereas, the colored

[1] Reynolds and Thomas, p. 93.

[2] *Ibid.*, p. 93.

[3] The following appropriations were made for maintenance, 1871, $50,000; 1873, $30,000.

[4] Reynolds and Thomas, *History of the University of Arkansas*, p. 96.

[5] *Ibid.*, p. 97.

population is almost exclusively on the opposite border; therefore, Resolved, that we earnestly recommend that the state establish a normal school as some point, or points, convenient to the colored masses of the state, for the special benefit of that class of citizens." [1] But the president of the university had already given a practical solution for the question. One negro presented himself for marticulation. The president admitted him, but did not allow him to go about the buildings occupied by white students and required him to report for recitations after school hours.[2] The president conducted all such recitations.

A further step towards providing separate institutions for higher learning for the races was taken on April 25th, 1873, when the governor approved an act, supplemental to the act for establishing the university, providing for the establishment of "a Normal Branch college of said University." [3] This act appropriated $25,000 for purchasing a site, erecting buildings, improving the grounds, purchasing furniture, organizing the school, and paying professors and teachers for the two years beginning with the fall term of 1873. In the provision authorizing the trustees "to take into consideration the interests of the state, and especially the convenience and well being of the poorer classes" the intention of the legislators is revealed. They were evidently responding to the suggestions made at the January meeting of the state board of education. Though nothing was accomplished towards actually organizing the Branch Normal while the reconstructionists were in power, this step shows that they were coming to understand the necessity of separate schools.

[1] *Gazette*, January 18, 1873.

[2] Reynolds and Thomas, p. 97.

[3] *Laws of Arkansas*, 1873, p. 231.

CHAPTER XII

Reconstruction, Social and Economic

While the Republicans were entrenching themselves in political control of Arkansas they were unfolding their constructive program. In its purposes that program was tantamount to a complete revolution in the economic and social as well as political life of the people of the state. It was conceived in little knowledge of the economic and social life of the classes most essential to its success, and projected in bold disregard for the ex-Confederates whose political training, wealth, and social standards constituted the only sound basis for a peaceful and sane reorganization of society. The realization of the aims of the dominant party implied a sacrifice of convictions, prejudices, and hopes on the part of the ex-Confederates wholly impossible in view of their temper at that time.

An overwhelming majority of the whites were from the first bitterly opposed to the congressional policy of reconstruction and became very soon openly hostile to the Republican leaders who were mapping out the course of their party in Arkansas. Ex-Confederates might yield a grudging acquiescence in Republican rule out of sheer necessity, but the sympathy necessary to a successful state government they would not give. Until the state was restored to the Union, opponents of the new order endeavored to obstruct all progress in that direction, and after reconstruction had been accomplished they directed their activities towards the embarrassment of those in power.

Bad temper, displayed by elements in both parties throughout the period of Republican rule, was kept active by the leaders for political effect. Embittered over their own disfranchisement and incensed first at the prospect and later by the experience of negro suffrage, the conservative or Democratic white masses were easily stirred to white heat by Republican leaders who ventured to insist on the negroes exercising their political rights or to encourage negroes in political demonstrations.[1] Whether warranted or not by the facts, the disfranchised whites and their sympathizers felt no moral obligation to support the constituted authorities. Republican rule, to them, was alien rule based on an ignorant negro electorate.

The persistence of Republicans in attributing the prevalence of lawlessness and crime to the iniquitous work of the Ku Klux Klan deepened the resentment of those who sympathized with that organization. The imaginations of Democrats fed upon the Union Leagues, as those of the Republicans upon the Ku Klux Klan, and in both cases the effects on general social and economic conditions were the same. Though most inflammable during political canvasses, the temper of the masses in both parties was not allowed fully to assuage in times of party inactivity. When not exasperated over Republican campaign methods, conservative whites were kept agitated by their leaders over burdensome taxation, negro officials, negro education, Republican extravagance and corruption, and the disfranchisement of certain whites. The slightest rumor that negroes were being received as the social equals of whites, even if the whites were Republicans, was made the occasion for a storm of protest and vituperation against Republican rule in its entirety.[2] At any time reports that radical whites were urg-

[1] *Gazette*, August 7th, 1867.

[2] *Ibid.*, June 2nd, 1868.

ing their negro followers to arm for election contests were seized upon by Democratic leaders and masses as cause for preparing for drastic measures.[1]

Republican leaders, even those high in official station, were not loath to appeal to the passions of the negroes in order to keep them solidly behind the Republican program. A favorite diversion of the carpetbag element and one which aggravated both the vanity of the negroes and the anger of the Democrats, was to ridicule the ideals and institutions of the old Democratic regime. If it was impossible for the Republicans to have a more sympathetic attitude towards their opponents, it was equally impossible for the Republican program to succeed without it.

The elements of the Republican party in Arkansas were brought together originally by considerations of individual or class interest. On fundamental principles there was little in common amongst them, except loyalty to the United States government and commitment to the policy of reconstruction evolved by Congress. The carpetbaggers, numerically insignificant and controlled by men of mediocre capacity and largely without experience in civil administration, supplied the leadership of the party. The scalawags, more numerous than the carpetbaggers but unknown to public life and inexperienced in party politics, contributed the moral integrity and the strongest sense of class consciousness in the party. But offended in the very organization of the local forces of reconstruction, because one of their own class was not selected candidate for governor on the party ticket, a formidable group of these native whites organized in opposition to the leadership and methods of the new comers and rent the party before its program was well begun, and by 1872 had produced in the Republicans

[1] *Van Buren Press*, July 30th, 1872.

two irreconcilable factions. The scalawags, because of their southern birth, their long identification with the interests of Arkansas and their consciousness of having a larger property stake involved in the new regime than either of the other Republican groups, were more conservative on purely economic questions than were the carpetbaggers or the negroes. The negroes supplied a majority of the party's votes, and until 1870 followed the carpetbag leaders with implicit confidence. Easily satisfied with little recognition in the establishment of the party, the black voters became clamorous for a more equitable distribution of party emoluments as soon as the white Republicans became divided into two clearly defined factions. Easily influenced by radical whites, whether carpetbag or scalawag, the negroes generally supported the white group which for the time being stood for the boldest assertion of the rights of colored citizens.

With inferior leadership, without the cohesiveness of common economic and social interests, with their organization impaired from the beginning, and dependent on a constituency of jarring factions, the reconstructionists faced inevitable failure. By rigid party discipline a working majority was held together long enough for them to inaugurate a new regime. The political disabilities of the Democrats, together with the support of the national Republican party operating through agencies at Washington, afforded sufficient time for that regime to prove its merits. But the defects in the party and its program were fundamental, and Republican rule, instead of producing a comprehensive and drastic revolution with beneficent results, proved in all except one of its important phases a failure. The exception was in the field of education. Other accomplishments it made, but none commensurate with the cost in money to the tax payers of the state or in the disastrous political consequences it brought on its authors.

In the sphere of business methods and relations the new regime was but slightly different from that to which the ex-Confederates would have been forced if they had been in power. There is no evidence that Republican leaders desired any violent changes in the ordinary business life of the people. In many cases before congressional reconstruction was determined upon northern men with available cash joined ex-Confederates with farm and business reputations in establishing planting and mercantile enterprises. The advice of rabid partisans against the formation of such business relations was ignored by both ex-Confederates and Unionists who were not interested primarily in party politics. Merchants and bankers of Republican sympathies sedulously cultivated the patronage of the negroes, but failed to control it. The southern white man with his credit system, his farm lands, and his share-crop methods, offered a business order much more attractive to a vast majority of the negroes than were the strict methods of merchants lately arrived from the North. Even before the Republican party hopelessly split over the election of 1872, negroes in increasing numbers were turning to ex-Confederates in purely business matters. The carpetbaggers, however, made a valuable contribution in cash and capital, as well as in speculative enterprise, to the revival of business, while failing utterly to mould its forms or guide its development.

In the churches, as in the purely social relations of the people, reconstruction passed without serious friction. The carpetbagger, who by his party activities was likely to be offensive to congregations of deep southern sympathies, made little effort to share the ministrations of churches controlled by ante-bellum influences. Northern churches did not succeed in gaining a substantial footing in Arkansas; and very soon after the bitterness engendered by the political contests of 1868 and by Governor Clayton's martial law

policy had subsided both carpetbaggers and scalawags found it tolerable to live in southern congregations and on the old southern model. There were, to be sure, isolated attempts at ostracizing Republican church members considered guilty of pernicious social relations with the negroes, but in no case did such a movement create serious trouble. Southern ministers were outspoken in their condemnation of Republican rule, and occasionally a Republican editor endeavored to ridicule a Democratic parson, but the masses of the people understood that such denunciations were inspired by partisan feeling.[1]

In their purely social life the masses of whites experienced no violent changes, no minor disturbances of any consequence. From the federal occupation of Little Rock in 1863 marriages between northern men and southern women were frequent.[2] As time passed and it became evident that Republican leaders from the North were as little inclined as southern whites to accept the negroes as social equals the principal danger of social friction was removed. The first inflow of carpetbaggers brought a few enthusiasts, overzealous for the removal of social distinctions based on color, but they were soon discredited amongst loyalists, and after the strife of 1868 social leaders made no distinctions based on politics only. The policy of providing separate schools for the whites and blacks materially lessened the social antipathy of the ex-Confederates for the white Republicans. Republican leaders of the better class might, and did, hold political powwows with negroes and at the same time move in the most select social groups. Newspaper accounts of social events indicate that individual Republicans high in party councils, whether carpetbagger or scalawag,

[1] *Southern Standard,* September 4th, 1869; *Daily Republican,* September 4th, 1868.

[2] *Daily Republican,* July 30th, 1868.

were acceptable to the really exacting spirits of southern society. White Republicans who did not rise to official rank were not so fortunate. So long as such persons kept clear of suspicion of social equality with the negroes, they were simply left alone; if suspicion of that sort attached to any one he and his family were socially ostracised. It is quite probable that the activities of the Ku Klux Klan suggested to many a white Republican the wisdom of steering so clear of social intercourse with negroes as to leave no doubt of his opposition to negro equality and thus obviated the necessity of pressure in the open.

The constructive economic and social program of the dominant party called for drastic changes along the lines of immigration, education, the public lands of the state, internal improvements, state finances, state credit, and taxation. By its methods and accomplishment in these spheres may the work of the Republican party be most fairly judged. The vastness of the undeveloped resources of the state and a conviction that every undeveloped economic asset was a standing witness of the blighting effect of the slave system and of Democratic corruption or inefficiency confirmed Republicans in the belief that their hopes could not fail of realization. Mistaken judgments at these points, as well as a desire for personal or party aggrandizement at the public expense, led to the formulation of policies clearly beyond the ability of the people, white or black, to sustain by reasonable taxation.

In addition to perfecting the system of free negro labor already begun under the lessee system and the Freedmen's Bureau it was considered essential to Republican success that the labor supply of the state be materially increased. And to that problem public attention was immediately directed. It was not lost sight of that through the increase of the labor supply the supporters of reconstruction might be multiplied.

Both Democrats and Republicans were interested in attracting immigrants to the state, but differed materially as to the kinds to attract and the nature of the inducements to offer. The Republicans, largely a landless class, desired immigrants of any race, color, or condition, provided they were sound on the principles on which the state was to be reconstructed.[1] The Republican press extended a hearty invitation to all who would only recognize the state government and obey the laws. The Democrats, who owned most of the land and had not fully adjusted themselves to negro free labor, were interested primarily in increasing the supply of farm laborers, and welcomed any honest, industrious citizen who was not sound on Republican principles.[2]

A conservative editor welcomed all honest, industrious citizens,[3] but declared that most of the recent comers were "strangers to all tax collectors and to God; the former because they had no taxes to pay, the latter because their deeds are evil." More of that kind he did not want.[4] Democrats thought all encouragement to immigration should be left to individual and associated activities, especially while the state government was in the hands of the Republicans but supported by Democratic tax-payers. On the other hand Republicans believed encouragement of immigration a legitimate state function and made it a fundamental in their party creed.

[1] *Daily Republican*, February 17th, 1871 and January 1st, 1872.

[2] *Van Buren Press*, December 13th, 1867.

[3] *Gazette*, August 22nd, 1868, February 4th, 1869. The editor of the *Gazette* said: "We want quiet, industrious peaceful citizens. We want tillers of the soil, mechanics, laborers, capitalists, and professional men. We want all the elements that will contribute to develop the hidden resources that nature has generously given us and that must ultimately make Arkansas one of the foremost states—in short any people but professional politicians."

[4] *Van Buren Press*, April 13th, 1867.

The governor in his message to the first legislature of 1868 called attention to the vast undeveloped resources in the state and recommended the establishment of a "liberal and vigorous bureau of immigration" under the direction of a commissioner clothed with such powers, "in relation to his intercourse with the most populous parts of this and foreign countries," as would enable him to direct northern capital and labor to the state, and "so to determine the line of immigration from Europe" as would make Arkansas the recipient of those elements of wealth and prosperity from which she had been debarred by the old order of things.[1] The legislature responded to the governor's recommendation by the enactment of a law empowering the governor, by and with the advice and consent of the senate, to appoint a commissioner of immigration and state lands, who should open an office, collect and publish information in English and other languages, visit immigration societies, visit the chief cities of the United States, and on the approval of the governor visit foreign countries. The commissioner was given complete control of all the lands in which the state was interested, was allowed an annual salary of $3,000 and actual traveling expenses as made on his own statement, and was authorized to employ two clerks at an annual salary of $1,200 each. The adjourned session of the same legislature appropriated $5,000 for clerks' hire and contingent expenses of the office.[2]

Dr. James M. Lewis, a carpetbagger from Massachusetts, was appointed commissioner, opened his office at Little Rock, and on August 22nd, 1868, called on all people who had lands to donate to actual settlers to furnish his office with a description of such lands and the terms on which

[1] Clayton, p. 210.

[2] *Laws of Arkansas*, 1868-1869, p. 166.

donations would be made.[1] He next printed and distributed fifteen thousand pamphlets, ten thousand in English and five thousand in German, setting forth the advantages of Arkansas for those who desired to better their conditions.[2] Nothing, however, was accomplished during the first year of the bureau's operations. At the end of the second year the commissioner, basing his estimate on unofficial statements from all parts of the state, guessed that thirty-five thousand souls had come to the state within the preceding two years.[3] But within those same years other agencies had entered the field. Individuals who held large bodies of cheap lands for sale advertised them far and wide. *The Arkansas Real Estate Journal* was projected by two enterprising carpetbaggers interested in real estate.[4] The chamber of commerce at Little Rock declared the state immigration bureau an expensive failure and appointed a non-partisan committee of its own to solicit donations of land and make assignments to actual settlers.[5] *The Liberal,* the organ of the anti-Clayton faction of Republicans, advocated the introduction of Chinese laborers. A majority of the Democratic papers endorsed *The Liberal's* suggestion.[6]

On June 19th, 1869, representative planters of the lower Arkansas valley organized the Arkansas River Valley Immigration Company for the express purpose of bring Chinese laborers to that section of the state.[7] They subscribed stock

[1] *Gazette,* August 22nd, 1868; Daily Republican, August 22nd, 1868.
[2] Governor's Message, 1871, p. 18.
[3] *Ibid.,* p. 18.
[4] *Gazette,* September 1st, 1869; Yonley and Barnes.
[5] *Gazette,* October 8th, 1869.
[6] *Van Buren Press,* September 14th, 1869.
[7] *Gazette,* June 30th, 1869; *Liberal,* July 9th, 1869.

to the amount of three hundred bales of cotton, established a home office at Pine Bluff, and sent Captain J. C. Gift directly to China "with letters of credit and means of business."[1] Within a year Gift contracted for and shipped one hundred eighty-nine Chinese laborers, established an agency for making further contracts, and returned to the home office with the announcement that a solution of the labor problem was in sight.[2] The Republican press and the negroes were alarmed at this enterprise.

Before Gift returned to America a number of radical whites joined a group of negroes in organizing the Colored Immigration Aid Association for the county of Pulaski, provided for organizing other county associations, and appointed a committee to solicit subscriptions to encourage negro immigration.[3] Commissioner Lewis was a member of the executive committee of this association. In July, 1870, it was reported that Lewis was preparing to send a negro named Walters, an expelled member of a recent Georgia legislature, back to his native state to urge negroes to move to Arkansas.[4] That announcement alarmed the Democrats, who pretended to see in such a mission only a determination of the radicals to "Africanize Arkansas by immigration" in order to carry the next election.[5] Democratic fears had been excited already by the refusal of negroes in some instances to work with the Chinese.[6]

From the summer of 1870 the immigration bureau was gradually converted into an agency for holding the negroes

[1] *Liberal*, July 17th, 1869.
[2] *Gazette*, June 8th, 1870.
[3] *Ibid.*, January 14th, 1870.
[4] *Ibid.*, July 30th, 1870.
[5] *Ibid.*, July 30th, 1870.
[6] *Ibid.*, June 19th, 1870.

in line with the dominant faction of the Republican party. The legislature of 1871, acting on the suggestion of Governor Clayton,[1] not only continued the bureau by appropriations for the usual salary of the commissioner and $4,000 for contingent expenses,[2] but authorized the appointment of a deputy commissioner whose duty it should be to encourage negroes to move to the state.[3] When a few months later W. H. Grey, a negro politician, succeeded Lewis as commissioner, it appeared that the bureau had become a negro political organization. By the time Grey entered upon his duties the factional strife in the Republican party had reached the point where those in power were willing to endorse inefficiency in its partisans and to practice corruption in order to maintain their hold on the state. The legislature of 1873 made appropriations for the commissioner's salary, $5,000 for contingent expenses, and $15,000 for twenty-five thousand copies of J. H. Henry's Resources of Arkanses.[4] Before the time arrived for other appropriations the Republican organization had collapsed, and Governor Baxter had appointed J. N. Smithee Commissioner of Immigration.

Each winter many people moved to the state, but there is little evidence that the Bureau of Immigration and State Lands was instrumental in attracting them.[5] An agent was sent to Germany and the German citizens of Little Rock organized an association to attract German settlers, but very few came. In 1874 the *Daily Republican* reported a large

[1] Governor's Message, 1871, p. 18.

[2] *Laws of Arkansas*, 1871, p. 40.

[3] *Daily Republican*, February 15th, 1871.

[4] *Laws of Arkansas*, 1873, pp. 268, 280.

[5] *Daily Republican*, January 27th, February 17th, 1869 and June 4th, February 7th, and March 12th, 1870; *Gazette*, January 27th, May 10th, 1870.

inflow of negroes, but suggested a five-fold increase as necessary to the demands of the state.[1] By 1870 the population of the state was 49,021 in excess of that of 1860.[2] Of this increase 37,972 were whites, 10,910 blacks. Allowing for a normal natural increase and for the activities of private agencies, it would seem that the white population prior to 1874 was not materially affected by the state immigration bureau and that the negroes were but slightly increased through that instrumentality.

The first session of the legislature of 1868, enacted a law authorizing the governor to appoint a commissioner of public works and internal improvements, who should supervise all public works in which the state should be interested and serve as ex-officio inspector of banks, insurance companies, and railroads.[3] The commissioner was allowed an annual salary of $3,000 and three clerks at $1,200 each. By an act of March 16th, 1869, his jurisdiction was extended to all public levee work within the state. This act of 1869 provided that on the application of a majority of the land owners in any locality who would be benefitted by the construction or repair of any levee or by the ditching or draining of any overflowed lands, the commissioner was to have surveys and estimates made, and award a contract for the proposed improvement, if he should deem the expenditure "necessary, expedient and justifiable." Upon the commissioner's certificate that a contractor had completed his work, the auditor of state was required to issue in payment of the contract price thirty-year eight per cent swamp land warrants, receivable in payment for swamp and overflowed lands of the district in which the work had been

[1] *Daily Republican*, January 28th, 1874.

[2] *Statistical Abstract of the United States*, 1916, p. 38.

[3] *Laws of Arkansas*, 1868, approved July 27th, 1868.

done at $1.25 an acre. Interest on the warrants was to be paid by a tax on the lands benefitted.[1] The warrants were redeemable at the expiration of thirty years, "in the legal currency of the country," provided the state at the time for redemption should have no lands on which they might be reissued.

The law provided that any railroad company which should construct a road bed or other work serviceable for protecting or draining lands should receive in warrants an amount to be decided by the commissioner. To carry out these acts there were appropriated $2,500. A supplementary act provided for a county board of three reviewers, two appointed by the county court and one by the commissioner, who should supervise all levee work and report to the commissioner the increased value of each tract of land benefitted by any levee improvement. On the report of the reviewers the commissioner alone was to assess upon such lands the cost of the work done, and require payment of the amount assessed within sixty days after notice, under penalty of forfeiture for taxes. All money thus raised was to be paid through the commissioner.[2] Each reviewer was to receive two dollars and fifty cents for each day given to supervision.

Benjamin Thomas was appointed commissioner and entered upon his duties immediately. On October 1st, 1868, he reported that "grand enterprises of importance will be commenced, and rapidly pushed to a successful completion."[3] But it was well into 1869 before any levees were built. Both Democrats and Republicans heartily favored this feature of internal development.[4] Surveys and esti-

[1] *Laws of Arkansas*, 1868, p. 80.

[2] *Laws of Arkansas*, 1868-1869, p. 199.

[3] *Report of the State Departments*, October 1st, 1868, p. 13.

[4] *Gazette*, June 3rd, and November 24th, 1869; *Daily Republican*, November 12th, 1868; *Gazette*, January, 15th, 1870.

mates were made, but contractors did not offer to do the construction for warrants which were good only for the purchase of overflowed and swamp lands. Throughout 1870 the levee question continued to be agitated, but with meager results. At the beginning of 1871 Thomas reported in "process of construction by the state, comprising levees, railroad beds answering as levees, cut-offs and other work securing lands against overflows, one hundred sixty-seven miles", fifty-three miles of which consisted of levees.[1]

The legislature of 1871 amended the levee law so as to authorize an issue of $3,000,000 in thirty-year levee bonds, bearing seven per cent interest payable semiannually in New York City. The interest on the bonds was to be met by a tax on the lands benefitted, and a sinking fund, depending solely on the sale of swamp, overflow, and internal improvement lands, provided to guarantee the payment of interest and principal.[2] This act was approved March 23rd, 1871, and soon a large amount of bonds was issued.[3] Within six months after the enactment of this act S. W. Dorsey, who had gone to New York to sell the bonds to his "English friends," wrote Governor Hadley: "Levees are dead."[4] W. M. Everts, Rufus Choate and other New York lawyers had pronounced them unconstitutional and at best nothing more than auditor's warrants. In the same communication Dorsey called the governor's attention to frauds being practiced in levee contracts, with the injunction; "Don't for the sake of my head say that I mentioned the matter."

It appears that Commissioner Thomas joined dishonest contractors and bond speculators in disposing of the entire

[1] Governor's Message, January, 1871, p. 36.

[2] *Laws of Arkansas*, 1871, p. 88.

[3] *Van Buren Press*, December 19th, 1871.

[4] Arkansas Mss., September 25th, 1871, Dorsey to Hadley.

issue with but little benefit to the state. Contracts were awarded at six times the usual price of such work.[1] Bonds were issued to the commissioner's friends without regard to the requirements of the law.[2] He was placed under bond on a charge of levying blackmail in connection with one issue.[3] A Republican grand jury failed to indict him, and the affair blew over.[4] In January, 1873, Thomas reported 186¾ miles of levees, but did not state what part of that mileage was railroad beds, or whether the levees were completed, or where they were located. He stated that quite a number of valuable works already projected could not be completed for lack of funds.[5] By that date levee bonds to the amount of $3,005,846 had been issued.[6] They were worthless by the end of 1874. The state had a three million dollar debt and but little completed work to show for it.

When the Republicans came into power the bonded debt of the state was $3,363,503.19.[7] There was no floating debt whatever.[8] This bonded debt represented the liability of the state on account of bonds issued to the Real Estate Bank and the State Bank, two ante-bellum projects chartered in 1836. To the Real Estate Bank the state loaned $2,000,000 of its six per cent bonds, $500,000 of which were

[1] *Daily Republican,* February 8th, 1875.

[2] Nordhoft, p. 30.

[3] *Gazette,* February 17th, 1872, quoting *The State Journal* of February 15th, 1872; *Gazette,* April 6th, 1872.

[4] *Daily Republican,* June 12th, 1872.

[5] *Gazette,* January 24th, 1873.

[6] *Arkansas Senate Journal,* Joint Resolution no. 8, approved January 18th, 1875.

[7] *Auditor's Report,* 1868, p. 5. The report of the Finance Committee to Arkansas Senate, 1875, gave $3,252.401.50. Nordhoff, p. 29 gives $3,500,000.

[8] *Report of Finance Committee to Arkansas Senate,* 1875.

in 1840 hypothecated in the North American Banking and Trust Company for $121,336.59. The law by which these bonds were granted required that they be sold at par. But in December 1840, the holders of the bonds pledged them to James Holford and Company, of London, for a loan of $325,000. The North American Banking and Trust Company failed and left Holford, who had come into sole posession of the assets of the company, the Arkansas bonds. The referees in bankruptcy adjudged them to be worth $450,000 on October 1st, 1857. No interest was paid on this obligation after September 7th, 1840, and by January 1st, 1868, principal and interest amounted to $2,335,757.10.[1] Besides the Holford claim there were outstanding on account of the same bank, 500 one thousand dollar bonds in the United States Treasury for a loan from the Smithsonian Institution and 334 of the same denomination held by individuals unknown in 1868.[2] On account of the State Bank there had accumulated through sale of bonds and default of interest a debt of $1,147,522. The state was practically without credit.

Republican leaders realized that a policy of regeneration such as they contemplated could not be supported by taxation alone. One of the first problems, then, was to restore the state's credit in order to sell bonds to secure the funds necessary to their purpose. On April 6th, 1869, Governor Clayton approved an act authorizing the funding of the entire bonded indebtedness of the state. This law required the governor to issue new bonds of the state in lieu of those issued to the Real Estate and State Banks. Each bond was to be for the sum of one thousand dollars, payable thirty years after date, and bearing interest at six per cent payable

[1] *Auditor's Report*, 1868, p. 4.

[2] *Ibid.*, p. 5.

semiannually at the city of New York. "All mortgages, notes, bills, and other securities in possession of the state, obtained as security for the bonds issued" to the old banks were set aside as a sinking fund, to be invested by the state treasurer in these new bonds or interest-bearing notes of the United States, for the payment of the principal and interest of the new issue. All details were left to the discretion of the governor, and a sufficient sum of money appropriated to carry the act into effect.[1]

The Democrats and anti-Clayton Republicans favored the general principle of the measure, but opposed including within its provisions any more than the $121,336.59 realized on the bonds then in posession of the Holford heirs. They were willing to pay all accrued interest on that amount. Republicans did not claim that more was actually due, but they were willing to do a little more than what was considered equitable in order to impress upon the investing public the honesty and soundness of the new state government.[2]

The governor designated the American Exchange National Bank of New York City as the fiscal agent of the state,[3] and sent O. A. Hadley on East to make the preliminary arrangements for floating the new bonds. Late in July the governor and a number of his friends joined Hadley in New York. The necessary new bonds were provided and turned over to the fiscal agent to be exchanged for the old ones on instruction from the governor. By October 1st, 1870, there had been exchanged 2,600,[4] and by July, 1872, 2,850. In April, 1870, they made their first appearance on the New York stock exchange and a few

[1] *Laws of Arkansas*, 1868-1869, p. 115.

[2] *Debate in the House of Representatives on the Bill for Funding the State Dept*, 1869, *passim*; *Liberal*, August 24th, 1869.

[3] Governor's Message, 1871, p. 8.

[4] *Ibid.*, 1871, p. 8.

sales were made at seventy-five cents.[1] By September, 1871, they were selling, when buyers could be found, at fifty-five cents.[2] And from that date they rapidly declined in value until they disappeared from the market.

Throughout the period of refunding there was collected a general property tax of one fourth of one per cent for the sinking fund to pay the interest on the bonded indebtedness of the state. This, together with the permanent sinking fund provided in the act of April 6th, 1869, should have provided ample means for all interest. The interest was paid regularly, but the treasurer was forced to borrow $130,000 to meet obligations due in December 1870.[3] The legislature which assembled in January, 1871, endorsed the treasurer's course and provided for future emergencies of that kind by authorizing the governor to issue $300,000 in ten-year seven per cent bonds "to pay deficits in the state treasury arising as interest on the state debt now funded."[4] From that time bonds appeared in ever increasing numbers, their value declined rapidly, and the credit of the state was left no sounder than it was when the reconstructionists inaugurated their policy.

On July 21st, 1868, the governor approved an act submitting to a vote of the qualified electors a proposition to loan the credit of the state in the aid of railroads. This act provided that a board of railroad commissioners,[5] might issue thirty-year bonds of one thousand dollars each, bearing interest at seven per cent and payable in New York City, to railroad companies which complied with certain conditions.

[1] *Daily Republican*, April 19th, 1870, quoting N. Y. Times.

[2] Arkansas Mss., September 25th, 1871, Dorsey to Governor Hadley.

[3] *Daily Republican*, April 10th, 1871.

[4] *Ibid.*; *Laws of Arkansas*, 1871, p. 37.

[5] The board consisted of the governor, the secretary of state, and the commissioner of public works and internal improvements.

The total mileage to be aided was not to exceed 850 miles. The commissioners were authorized to grant $10,000 a mile to companies which had, and $15,000 a mile to companies which had not, received land grants from the United States government. No railroad company was to receive aid until the governor was supplied with ample proof that it had ten consecutive miles ready for rails, and possessed available resources to enable it to grade one hundred miles or one third of its entire length. The Board of Commissioners was to receive all applications and make recommendations for state-aid bonds, but the governor alone was to make or withhold the grant. When aid had been granted, the governor was authorized to issue the bonds of the State of Arkansas, properly sealed and certified, "upon the completion and preparation for the iron rails of each succeeding ten miles or more until the entire line of said railroad corporation shall be completed." The legislature was required by this act to levy on each railroad aided a tax equal to the interest on its outstanding and unpaid bonds, and five years from the completion of each road it was to be taxed two and one half per cent until the bonds were paid. Railroad companies already organized might file application for state aid at any time within one year from the passage of the act and new companies within one year from their incorporation.[1]

Since the constitution prohibited the loaning of the state's credit without a vote of the electors, this proposition was submitted at the general election of 1868. The act provided that the ballot cast on this question should be marked "For Railroads" or "Against Railroads."[2] The Republican supporters of the proposition declared it good in all of its parts, admirably calculated to produce a satisfactory system

[1] *Laws of Arkansas*, 1868, p. 148 *et seq.*

[2] *Ibid.*, 1868, p. 148.

of railroads, and expressed a hope that every friend of progress would vote "For Railroads."[1] The editor of the *Gazette* favored extending the credit of the state in aid of railroad construction, but opposed this plan on the ground that he had been reliably informed by a railroad president that there was already gathering at Little Rock a "little ring of radical speculators" to get control of the bonds as soon as the law was ratified by the voters.[2] In the excitement which prevailed during the canvass this question was kept squarely before the public. The Republicans appealed to the people for railroads and prosperity, while the Democrats predicted that state aid of the kind proposed would bring corruption. On the day of the election there was nothing on the ballot to suggest the loaning of the credit of the state. The proposition carried by more than the usual Republican majority, there being only four thousand one hundred thirty-four votes against it.[3] The act went immediately into effect, and no question was raised as to its constitutionality.

Applications for aid were made in a hurry.[4] New railroad companies were organized by a small group of men, who had neither money nor credit but who had influence with the legislature and the commissioner.[5] By May, 1870, thirty-five new railroad companies, proposing to construct a total of six thousand miles of road, had been incorporated.[6] By the end of 1871 the number of companies char-

[1] *Daily Republican*, October 14th, 1868.

[2] *Gazette*, October 31st, 1868.

[3] Clayton, p. 237; *Gazette*, December 15th, 1868; *Van Buren Press*, December 22nd, 1868.

[4] *Gazette*, January 13th, 1869, announces five, two of which were from new roads.

[5] *Van Buren Press*, April 13th, 1869; *Gazette*, May 12th, 1869; *Liberal*, May 28th, 1869.

[6] *Gazette*, May 22nd, 1870, data from office of Sec. of State.

tered had reached eighty-six, controlled by fewer than twenty men.[1] Many of the new projects were designed as competing lines with the old companies. Conditional aid was offered in advance to some of these in order to give them credit, but with no intention of an actual delivery.[2]

The railroad companies organized before the war resumed work and applied for aid, but found that they must compete with the new companies which had no actual investments to risk. The commissioners, claiming that they were required to grant aid to the most promising one of two or more competing lines, withheld aid from the older roads until they offered inducements of a material kind. An effort was made in the legislature of 1869 to enact a law requiring an immediate award of the entire authorized bond issue,[3] but the proposition was defeated by the friends of the commissioners. The question was whether the commissioners

[1] *Gazette,* December 24th, 1871,

Bowen	was	interested	in	eleven
Rumbaugh	"	"	"	seven
J. M. Lewis	"	"	"	eleven
J. E. Sickles ...	"	"	"	eleven
A. McDonald ..	"	"	"	three
M. W. Benjamin	"	"	"	eleven
S. W. Mallory .	"	"	"	five
Logan H. Roots	"	"	"	two
J. L. Hodges ...	"	"	"	six
H. O. Hadley ..	"	"	"	six
Geo. R. Weeks .	"	"	"	seven
Jo Brooks	"	"	"	four
T. D. W. Yonley	"	"	"	three
P. Clayton	"	"	"	two
J. M. Clayton ..	"	"	"	three
D. E. Jones	"	"	"	four
S. W. Dorsey ..	"	"	"	three

[2] *Daily Republican,* April 26th, 1869; Governor's Message, 1871, p. 36. This assistance was called "loaning the bonds."

[3] *Daily Republican,* April 26th, 1869; *Van Buren Press,* April 13th, 1869; *Daily Republican,* March 15th, 1869.

should be allowed to make awards on their own terms, or apportion the whole at once among a number of companies which had been organized without the slightest intention of building roads.

A carpetbagger related that he had been selected to negotiate for aid for one company on condition that the governor should receive in railroad bonds $300,000.[1] However, there is no conclusive evidence that Clayton ever received railroad bonds for granting state aid bonds. Neither is it clear that he and the commissioners received no rewards in other forms. After O. A. Hadley became governor aid bonds were granted with greater precaution.[2]

However, fraudulent awards continued. In the legislature of 1873, an effort was made to pass a law obligating the state to accept in lieu of the bonds which it had granted any railroad company, an equal amount of such road's paid up stock and relive the stockholders of all liability for the payment of the principal and interest on the bonds.[3] Under the leadership of Benton Turner, an insignificant member of the House of Representatives, and John McClure, the chief justice of the state supreme court, the friends of the measure resorted to every sort of pressure, including bribery, to carry it through. The Republican press gave it hearty endorsement,[4] and only the veto of Governor Baxter prevented the consummation of the scheme.[5]

The first issue of bonds was made April 20th, 1869.[6] From time to time others were issued until Governor Baxter

[1] *Gazette*, February 21st, 1872 for James L. Hodges' statement. Clayton, p. 241-242 offers inconclusive evidence in refutation of this charge.

[2] *Gazette*, August 27th, 1871.

[3] *Van Buren Press*, April 8th, 1873.

[4] *Daily Republican*, May 1st, 1873.

[5] *Ibid.*, May 21st, 1873.

[6] Clayton, p. 247.

in March, 1874, declined to grant further bonds on the grounds that the act authorizing them was unconstitutional in that it had not been properly submitted at the election of 1868.[1] His decision had the unqualified endorsement of the ablest lawyers and the rank and file of both political parties.[2] Of the authorized $11,400,000, $9,900,000 was awarded before Baxter reached this decision.[3] During the period awards were made to a number of small roads, which by 1874 had been consolidated into only six lines.[4] One of these companies, the Cairo and Fulton, relinquished its grant in 1872, leaving $6,900,000 as the total amount awarded and accepted before 1874.[5]

For this bonded indebtedness there were in operation in August, 1871, 170 miles of railroad.[6] In August, 1872, the *Daily Republican* claimed 240 miles completed in Arkansas, of which fifty miles belonged to a company which had received no aid.[7] From these estimates, it appears that very little progress had been made for that year. The hard times of 1873 practically stopped railroad construction. And yet while the state-aided roads languished, the Cairo

[1] *Van Buren Press*, March 31st, 1874, gives his complete argument.

[2] *Daily Republican*, March 21st, 1874; *Gazette*, March 27th, 1874.

[3] Clayton, p. 238.

[4] *Ibid.*,

Roads	*Mileage*	*Rate per mile*	*Awards*
Memphis and L. R. R. R. Co.	120	$10,000	$1,200,000
L. Rock, Pine Bluff and New Orleans R. R. Co.	120	15,000	1,800,000
Miss., Ouachita and Red River R. R. Co.	130	15,000	1,950,000
Little Rock and Ft. Smith R. R. Co.	150	10,000	1,500,000
Little Rock and Helena R. R. Co.	30	15,000	450,000
Cairo and Fulton R. R. Co.	300	10,000	3,000,000

[5] The Finance Commission of 1874, estimated it at $5,350,000.

[6] *Gazette*, August 29th, 1871.

[7] *Daily Republican*, August 3rd 1872.

and Fulton completed its line on August 30th, 1873. According to Governor Clayton's estimate the construction of 315 miles of railroad was due primarily to state aid, while a more impartial authority placed the estimate at 271 miles.[1] The legislature of 1874 passed an act relieving the aided railroads of the interest which they had not paid, and a constitutional amendment ratified in 1883 repudiated the bonds.[2] Counties and towns which had subscribed railroad aid bonds followed the example of the state and repudiated their obligations.

The Republican policies called for large revenues, to supply which resort was had to heavy taxation, bonds, and scrip. We have noticed the bond issues. The taxes of the period were exceedingly heavy. The rates at first made for the general property tax were one half of one per cent for ordinary state purposes, one fifth of one per cent for education, one fourth of one per cent for the constitutional convention of 1868, one eighth of one per cent for militia purposes, and one fourth of one per cent for the sinking fund to pay interest on the public debt. County courts were authorized to levy for county purposes one and one half per cent for ordinary purposes and unlimited additional taxes to pay the principal and interest on county debts.[3] Moreover, counties could vote aid to railroads and levy extra taxes to pay principal and interest on all such railroad aid bonds. Counties were empowered to levy for roads and bridges a tax equal to the general state tax. Municipal authorities were empowered to levy for municipal purposes a general property tax of not more than two per cent of the assessed valuation. A poll tax of $1.00 was levied on every

[1] Clayton, p. 232. Nordhoff, p. 30, estimates it at 271 miles.

[2] Clayton, p. 250; *Laws of Arkansas*, 1874, p. 38.

[3] *Laws of Arkansas*, 1868, p. 313.

male inhabitant of twenty-one years of age for school purposes. There was no limit to the amount which might be levied for local school purposes.

In 1871 all tax rates were somewhat modified. The constitutional convention and militia taxes were then dropped. County taxes were limited to two per cent in rural districts and two and one fourth per cent in cities and towns, except that any city or town might levy a sufficient tax to pay its obligations on account of aid to railroads.[1] The following county taxes were then added: ten dollars on every hawker, peddler or auctioneer; twenty dollars on every circus, menagerie; five dollars for each personal benefit exhibition; and one hundred dollars on each person engaged in the sale of liquors.[2] Municipal taxes were limited to three-fourths of one per cent, exclusive of any special abbuttal assessment tax or any tax necessary to pay interest on bonds issued to aid railroads and to provide public buildings.[3] In 1873 the most significant changes made in the tax law were the raising of the tax for state purposes to three-fourths of one per cent, the raising of the limit for county taxes in rural districts to three per cent, and in towns to three and one fourth per cent, exclusive of the tax necessary to pay principal and interest on the bonded debt, and the dropping of the school tax for one year.[4] The county board of supervisors was authorized to add fifty per cent to the county rate for erecting or paying for public buildings.[5]

It was not in the rates, but in the method of assessment

[1] *Laws of Arkansas*, 1871, p. 177.

[2] *Ibid.*, 1871, p. 179.

[3] *Ibid.*, p. 178.

[4] *Gazette*, September 14th, 1873; *Laws* of Arkansas, 1873, p. 367.

[5] *Laws*, p. 368.

and in local taxes, that the greatest evils lay. Assessments were made by officers appointed by the governor and compensated by a percentage of their own evaluations, which they were sworn to make at not less than the cash value of the property. The first evaluation of all property for taxation was approximately $75,000,000.[1] In Lawrence County some assessments were increased seven fold,[2] in Arkansas County seven fold,[3] and in Sebastian County eleven fold.[4] It was estimated that the average increase for the whole state was from four to six fold.[5] In 1869 the property of Crawford County was assessed at $1,162,742.00 the taxes on which amounted to 6 501/560 per cent. In 1872 the total assessed value of all property in Pulaski County was $9,896,468.00,[6] which by 1873 and by assessing property recently brought in reached $12,974,620.[7] On the 1873 assessment was collected $715,604.10 in taxes. In Little Rock all taxes of 1873 amounted to fifty-eight mills.[8] In 1869 Pulaski County paid in taxes of all kinds $264,000,[9] or more than the expenses of the state government from the adoption of the Constitution of 1864 to the inauguration of military rule under General Ord. The same year Crawford County paid $14,000, exclusive of poll and special

[1] The *Liberal*, June 10th, 1869, estimated it on the treasurer's statement at $80,000,000. The *Daily Republican*, October 10th and December 11th, 1868, estimated it at $80,000,000, but on March 23rd, 1869, lowered its estimate to $70,000,000.

[2] *Gazette*, July 9, 1869.

[3] Herbert, *Why the Solid South*, p. 305.

[4] *Ibid.*, p. 305.

[5] The *Liberal*, June 12th 1869.

[6] *Gazette*, March 9th, 1872.

[7] *Daily Republican*, October 3rd, 1872, quoting the *Journal*.

[8] *Gazette*, December 28th, 1873.

[9] *Ibid.*, May 29th, 1869; *Liberal*, June 19th, 1869.

school taxes.[1] In Jefferson County in 1870 a tax of $318.00 was collected on lands which were offered for sale by the assessor at $1,460.[2] In some counties taxes amounted to seven and three tenth per cent.[3]

During the six years of Republican rule the people paid into the state treasury on all accounts $6,674,511.05, or an annual average of $1,112,418.50.[4] But for the same period the state expenditures reached an annual average of $1,259,-144.03.[5] In addition there was incurred a floating debt of $1,864,721.54 in script.[6] The $122,587 balance left by the Murphy government was also spent. County expenditures were no less extravagant. All the county funds derived from taxes were disposed of and debts contracted in every county of the state. At the end of the period of reconstruction Sebastian County had a bonded and script debt of $300,000, Chicot County one of $400,000, Pulaski County and the city of Little Rock of approximately $1,000,000, and Hot Spring County owed $70,000.[7] In Jefferson County there was issued during 1870 and 1871 $183,910.57 in scrip.[8] These debts were contracted on account of salaries and fees.[9]

[1] *Van Buren Press,* May 4th, 1869.

[2] *Gazette,* January 26th, 1870.

[3] Nordhoff, *Cotton States in 1875* p. 31.

[4] Arkansas Senate Res. no. 8, 1875, Report of the Board of Finance; Nordhoff, p. 34.

[5] Herbert, *Why the Solid South,* p. 307; Report of Board of Finance.

[6] Board of Finance, 1875, in Senate Joint Resolution no. 8.

[7] Herbert, *Why the Solid South,* p. 315.

[8] *Gazette,* April 16th, 1872.

[9] *Gazette,* April 16th, 1872, December 7th, 1873; *Daily Republican,* December 6th, 1873. A few items of expenditure in Jefferson and

Unwillingness on the part of office-holders to wait for the collection of revenue and the expenses incident to registering the voters and carrying on military operations under martial law gave rise to the first issue of scrip.[1] The first law authorizing an issue of scrip provided that when accounts against any specific appropriation had been properly audited and there was no United States currency in the state treasury for its payment, the treasurer should issue treasurer's certificates bearing interest at eight per cent, and receivable for all state taxes and dues, except taxes and dues to the school fund, and redeemable out of the revenue to be collected prior to July 1st, 1869.[2] The treasurer announced that there would be issued no more than $200,000 by July 1st, 1869, and assured the public that, as the state revenue would be $600,000 by that time and scrip had first claim, its redemption was certain.[3] But by March, 1869,

Pulaski Counties will illustrate the nature of county extravagance throughout the state

In Jefferson County	*1860*	*1870-1871*
County Clerk	$1,373.70	$ 26,445.68
Criminal Court Clerk, created in 1871, 8 months		6,922.04
Sheriff	1,061.73	20,078.68
Jailor	318.87	8,245.50
Scrip Issue	9,308.18	183,910.57
Gold pen for County Judge		16.00

In Pulaski County, April, 1868 to Ooctober 28th, 1869.

County Clerk drew $28,782.15 and fees as recorder of depositions, affidavits.

Sheriff drew $21,955.25 and commission as tax collector.

County Judge drew $3,204.00

Four Associate County Judges drew $1,805.45.

County Clerk drew fees (Jan. 1st to Nov. 1st, 1873) $37,000

County Treasurer drew commission (Nov. 25th to Dec. 24th, 1872) $806.27.

[1] Nordhoff. *The Cotton States in 1875*, p. 30.

[2] *Laws of Arkansas*, 1868, p. 221, approved July 23rd, 1868. *Laws of Arkansas*, 1868-1869, p. 72, approved March 16th, 1869.

[3] *Daily Republican*, September 22nd, 1868.

the issue had reached $350,000 and was selling as sixty cents on the dollar.[1] Thereupon the legislators amended the law so as to make state scrip receivable for all taxes without exception.[2] In one day it rose in value to ninety cents,[3] and the scrip dealers in Little Rock, into whose hands the greater part of the issue had come, reaped an abundant harvest. On April 15th, 1869, the editor of the *Daily Republican* assured the public that the issue had reached only $428,440 and would not exceed $500,000 by July 1st.[4] However, by June 7th, scrip, both state and county was in very slight demand except for the payment of taxes.[5]

There were several elements to disturb the scrip market. The Merchants National Bank of Little Rock, the largest banking institution in the state, had closed its doors, counties were issuing warrants in enormous quantities,[6] and the supreme court, on a petition of certain Little Rock citizens for a writ of mandamus restraining the Pulaski County authorities from further issues of scrip, had denied the writ on the ground that no individual rights had been violated.[7] That decision had given new impetus to the business. Pulaski County's issue increased from $84,920 on June 15th, 1869, to $556,246.90 by June 30th 1872. And though $304,770.64 had been redeemed, a sufficient amount of the redemption had been effected by refunding into short-time county bonds to make the outstanding obli-

[1] *Daily Republican,* March 23rd, 1869.

[2] *Laws of Arkansas,* 1868-1869 p. 95, approved March 24th, 1869.

[3] *Gazette,* March 24th, 1869. *Daily Repulican,* March 23rd, 1869.

[4] *Daily Republican,* April 15th, 1869.

[5] *Gazette,* June 7th, 1869.

[6] *Van Buren Press,* May 4th 1869, gave the scrip issue of Crawford county as follows: Oct. term, 1868, $1,208.55; Jan. term, 1869, $3,629.32; April term, 1869, $3,220.77.

[7] *Liberal,* June 3rd, 1869; *Gazette,* June 2nd, 1869.

gation on account of scrip $419,826.22.[1] At the date last named state auditor's warrants were quoted at eighty cents and Pulaski County warrants at thirty-five. By the end of the year 1872 they had fallen to fifty-eight and thirty cents respectively. When, in December, 1872, the state supreme court decided in Welles v. Cole that treasurer's and auditor's warrants were not receivable for county and district school taxes, the bottom dropped out of the scrip market.[2] In consequence of that decision, the general depression of 1873, and the insecurity of the state government state scrip fell to twenty-four cents by September, 1874.[3] At its December term of 1873, the supreme court reversed its decision of the previous year, and decided that state scrip was receivable for all taxes except that levied to pay the interest on the public debt, and that it was legal tender in payment of any fee due the state, county, or township officers for services rendered.[4] A slight rise in the value of scrip followed this decision, but the culmination of the Brooks-Baxter imbroglio prevented any material increase. The end of the Republican regime found scrip of all kinds practically worthless. It was charged by many, both Democrats and Republicans, that these decisions of the supreme court were influenced by the scrip speculators at Little Rock.[5]

Throughout the period of reconstruction tax collectors, tax-paying agencies, and speculators drove a thriving business. Collectors received currency in payment of taxes

[1] *Daily Republican*, February 29th, 1872; *Gazette*, April 22, 1873.

[2] *Gazette*, February 12th, 1873; Nordhoff, p. 33; *Arkansas Reports*, vol. 26-27, p. 603.

[3] *Gazette*, September 16th, 1874.

[4] *Arkansas Reports*, vol. 28, p. 366, in Ramsey *v.* Cox, and in English *v.* Oliver. Same vol. p. 317.

[5] *Van Buren Press*, March 4th, 1873; Nordhoff, p. 32.

and substituted an equal amount of scrip which had cost them, perhaps, twenty cents on the dollar.[1] In one case a collector purchased of the county board of supervisors several thousand dollars worth of county warrants at fifty cents, and paid for his purchase in the same warrants at par.[2] The tax payer often employed an agency to pay his taxes. In such transactions the amount of the depreciation of the scrip was divided between the two parties. Occasionally the tax collector acted as the agent in such transactions.[3] Cases are reported of officers issuing a few thousand dollars of scrip, pocketing the proceeds from the sales, and destroying the record.[4] A citizen of Little Rock who had been appointed clerk of a distant county had a sufficient amount of scrip printed before he left home to assume his new duties, and made his first issue to pay for a carriage to take his family to his new place of business.[5]

When the government passed out of control of the reconstructionists the state debt was $10,618,166.09.[6] County, municipal and school district debts, including bonds granted in aid of railroads, probably exceeded that amount. For that outlay the state had public improvements estimated to be worth $100,000.[7] Many of the counties had nothing whatever for their indebtedness.

The nature of the problem before the reconstructers made it imperative that peace and order be maintained through-

[1] Nordhoff, p. 31; *Daily Republican,* February 10th, 1874.

[2] *Daily Republican,* February 4th, 1874.

[3] *Ibid.,* February 3rd, 1874.

[4] Herbert, p. 315; Nordhoff, p. 31.

[5] Nordhoff, p. 31.

[6] Report of the Board of Finance, 1875 in Senate Resolution no. 8; *The South in the Building of the Nation,* vol. III, p. 323.

[7] Report of the Board of Finance in Senate Joint Resolution no. 8, approved January 8th, 1875.

out the state. To that end it was essential that public officers be men of character and influence, men of experience and sound reputation in public life and of honor, integrity and sympathy in private life. But at that point the Republicans failed, and as a result of that failure serious disorders were frequent, assuming at times the proportions of mob rule. As a rule the peace officers were lacking in character, intelligence, and social interests. Sheriffs, constables, county and probate judges, and justices of the peace were with rare exceptions, negroes or radical whites whose friction with the conservative white masses was a standing invitation to lawlessness on the part of those criminally inclined. The presence of negro policemen in Little Rock was a source of constant irritation until 1873. In counties with negro sheriffs or negro constables minor disturbances were usual occurences, and occasionally the negro masses in such counties were permitted to terrorize the white citizens.

Often it happened that these officers were non-residents of the counties they served and were viewed by conservative whites as agents of the governor appointed to office to strengthen his political power. A majority of the county officers were illiterate and many of them were known to be grossly corrupt.[1] It was no unusual thing for county officers to serve without bond or under a defective bond, or under a bond approved by the authorities at the order of armed partisans of the officer-elect.[2] As a consequence of such defective safeguards against official misconduct defaulting prevailed among collectors and justices of the peace, and was by no means rare among sheriffs.[3] The collection

[1] *Van Buren Press,* December 13th, 1870, May 2nd, 1871; *Gazette,* November 18th, and June 1st, 1871 and *Daily Republican,* May 4th, 1871; *Daily Republican,* October 8th, 1873.

[2] *Van Buren Press,* January 13th, 1874, and February 17th, 1874.

[3] *Liberal,* August 4th, 1869; *Gazette,* June 20th, 1871.

of illegal and excessive fees by local officers, especially justices of the peace, was so generally practiced that it was a source of constant irritation.[1]

The ability and conduct of the circuit and supreme judges were not such as to encourage respect for law and order. In the circuit judges there was often lacking both an adequate familiarity with the law and a proper sense of official dignity. They saw no impropriety in lobbying measures through the legislature,[2] in using their official position to throttle the press when it criticised them severely,[3] or in editing the party organs. The judges of the state supreme court were not learned in the law, familiar with Arkansas practice, or possessed of independence of action. Elevated to their positions in reward for party services, they continued to serve partisan ends. Of the three men who held the chief justiceship during the Republican regime only one showed independence of partisan dictation, and he was forced to resign. To his place was advanced John McClure, a carpet-bagger of remarkable native ability, but on his own open boast guilty of bribery. From his exalted judicial position McClure edited the *Daily Republican* and was the dispenser of funds raised to influence the legislative and executive branches of the state government. He could see nothing improper in buying a few votes, especially if they were Democratic votes.

The inconsistencies displayed by the supreme court judges in their decisions on the legal tender value of scrip and in their partisanship during the Brooks-Baxter contest lost for them the esteem of conservative men in both parties. Democratic editors and politicians by incessant and bitter critic-

[1] *Daily Republican*, April 10th, 1872; *Gazette*, August 9th, 1873.

[2] *Gazette*, January 5th, 1871.

[3] *Gazette*, May 31st, 1870, June 2nd, 1870; *Van Buren Press*, June 21st, 1870; *Gazette*, February 4th, 1871.

ism of the state judiciary as a whole contributed materially to the undermining of the majesty of the law, and consequently to the encouragement of lawlessness. The operations and mutual suspicions of members of the Ku Klux Klan and the Union Leagues contributed to the same end. Peace officers and the courts were held in low esteem.

During the latter part of 1868 and the first half of 1869 more than a third of the counties in the state, and those among the most populous, were in a panicky condition as a result of the activities of the state militia. With the avowed purpose of protecting loyal citizens against the Ku Klux Klan the state militia was organized and placed in secret operation at different periods in a majority of the counties of the state. So repeatedly did this occur in twelve counties that conservative citizens of both parties charged the governor with using the militia to shield local officers in corrupt practices.[1]

For the larger part of 1871 and 1872 Chicot County was in the grip of a negro county and probate judge, who by his influence over a band of three or four hundred members of his race, so threatened the white men that many of them sent their families away for safety. This trouble began when a negro was killed in an altercation with a white man. Three men charged with complicity in the negro's death were placed in the county jail. During the excitement incident to the killing, the local negro boss arranged to place the corpse of the dead man in the courthouse to be viewed by his friends. After gathering at the courthouse a mob was formed, the jail visited, and the three white prisoners seized and riddled with bullets. Within a few hours the homes of the white victims were visited, their cattle and chickens killed, and their corn carried away.[2]

[1] *Gazette*, January 16th, 1872.

The sheriff made no effort to preserve peace and order after the mob made its first visit to the jail. An officer of the state militia visited the county, made a hasty investigation, and reported everything quiet. When later a grand jury began to investigate the charges against the negro mob, a circuit judge dismissed it, and nothing more was done about the matter. The editor of the *Daily Republican,* while condemning mob law in any form, defended the negroes against charges of having threatened the peace of the county.

During the Christmas season of 1869 a stripling white ordered an intoxicated and boisterous negro man to leave the streets of the village of Dardanelle in Yell County. The negro opened fire upon the presumptious upstart white, but without effect. He then made a hasty departure for the negro settlements in the river bottoms about three miles distant, and the white men of the village ordered most of the negroes yet on the streets to follow him. After gathering on a plantation a group of the more desperate ones called to their leadership a white outlaw, Mustain by name, and advanced on the village with the intention of cleaning it out. The leader, however, was more interested in settling a private grudge and succeeded in confining the mob's activities to the killing of a single white man who had served in a posse organized to arrest Mustain for murder.

The conservative citizens, both white and black, called on the local officers for protection, and gave assurance that they were ready to unhold the enforcement of the law, but the local officers before making any effort to preserve order called on the governor for assistance. In response to this request the governor sent his adjutant to the seat of trouble to organize the local militia for the purpose of restoring and preserving order. Order was soon nominally restored but the militia continued its operations so long after restoration of peace had been proclaimed that the conservative

whites became suspicious that behind the militia was a design other than the preservation of order. A persistent rumor that the militia was still organized after having been proclaimed disbanded aggravated the bad temper of the Democratic masses and thus encouraged the spirit of lawlessness.

Pope County was in turmoil throughout the period of reconstruction. For three years it was under military rule.[1] The trouble in that county was due primarily to the character and methods of the county officials and their attitude towards those who opposed the state administration. Scalawags were numerous in that section and an unusually large number of them were extreme radicals, hill people who had enjoyed little political and social influence before the Civil War and were now prepared to do as they felt they had been done unto. As leaders of the native white radicals and the negroes there were a few fearless and determined political adventurers who had drifted into the county to secure the most lucrative offices and to exercise their powers in a manner and spirit quite new to the ex-Confederate inhabitants.

Trouble between the friends and opponents of reconstruction made its first appearance on May 27th, 1867, when Sheriff Napier and his deputy were killed by three citizens. A few days after Napier's death the county and circuit clerk was killed by one of the same three citizens. The successor of Napier proved abusive in his methods, and on a Sunday seized upon and disarmed one Matt Hale at church. Shortly thereafter Hale killed the sheriff. E. W. Dodson then became sheriff and appointed as his deputy Herold Williams. While these changes were being made the conservative whites made up their minds that the county officers had illegally sold thousands of acres of land for delinquent taxes and had appropriated the proceeds to their

[1] Reynolds' *Pope County Militia War*, p. 1.

own uses. The same white citizens also charged that because the courts were controlled by radical whites and negroes justice could not be had. To heighten the feeling of bitterness it was circulated that three radical whites, Dodson, Hickox, and Stuart, had formed a design to move the county seat several miles to some lands owned by themselves.[1]

During the latter part of 1867 and throughout 1868 the situation in Pope County grew worse. The registration of the voters and the canvass and election on ratifying the constitution, followed soon by martial law, kept the opposing element in a dangerous temper. The Democrats claimed they they were warned in anonymous letters to leave their homes. Republicans charged Democrats with intimidating loyal citizens, white and black, through the Ku Klux Klan. Four men were murdered, one Republican and three Democrats.[2] All the while these disturbances were occuring the courts were holding their regular sessions and there was no organized resistance to the authorities.

But a report of an assault on John Herold Williams, July 6th, 1872, caused the violent spirits among both Democrats and Republicans to organize for action. Williams reported to the governor of the state that he had been fired on by members of the Ku Klux Klan. To prove his assertion he submitted a belt buckle which appeared to have been struck by a bullet. The Democrats asserted that Williams and his friends had made the impression on the belt buckle and had circulated the story of attempted assassination in order to justify a declaration of martial law and the arrest and imprisonment of certain Democrats. As proof of their charges it was established that Williams refused to permit his neigh-

[1] J. A. Jameson, J. T. Bullock. Papers of E. King, administrator of Hickox estate.

[2] *Gazette*, March 6th, 1873.

bors to visit him while suffering from his wounds or to allow his neighbors to guard him against further attacks.[1]

At Williams' suggestion Dodson and Hickox arrested two men, Hale and Tucker, and were taking them to jail outside of the county when the prisoners were killed.[2] The friends of the dead men demanded that the officers be held for the death of the prisoners. The forces on both sides were organized and became so threatening that a special term of the circuit court was convened to take up the case. When the court opened, Dodson secured warrants for the arrest of certain of the leaders of his accusers. Judge May placed Dodson and Hickox under bond and closed his court without further investigation. Dodson refused to make bond and immediately after the adjournment of the circuit court let it be known that the men for whom he had warrants were to be arrested. Soon the excitement became so tense that the governor interferred.

Governor Hadley visited the county and assured the people adequate protection, and received from representative local citizens promises that peace and order should be maintained. On August 1st General A. W. Bishop at the request of the governor went to the scene of trouble to adjust matters. Bishop made a thorough investigation and found the people willing to support the local officers in the enforcement of the law, provided Dodson and his friends would resign their offices to unobjectionable persons. Though Dodson refused to resign, he consented to appoint an acceptable deputy who should make all arrests growing out of the murders which had started the trouble. Bishop then reported the situation quiet. He stated that the militia which had been organized to support Dodson had been disbanded and that there was no organized opposition to the local authorities.

[1] *Daily Arkansas Gazette*, March 6th, 1873 for the evidence.

[2] *Gazette*, July 26th, 1872 for *antemortem* statement of W. T. Hale.

But neither side kept the agreement entered into at the suggestion of General Bishop. Dodson and Hickox ignored the action of the court in placing them under bail, members of the militia continued to meet at irregular intervals, and the friends of Hale and Tucker renewed their activities. On August 31st county clerk Hickox was killed on the streets of Dover by Harry Poynter. Thereupon Dodson without attempting to make arrests appealed to Governor Hadley for militia to assist in arresting Hickox's slayer. On this request the governor commissioned General D. P. Upham to proceed to Pope County and to raise a militia force sufficient to enforce the law. On arrival at Dover, the county seat, Upham disarmed the citizens and called on all the people to assist in preserving the peace.

Having restored quiet at the county seat Upham permitted the militia, composed of negroes, what were locally known as mountain men, and the governor's guards, to range at will over the county. Stores were robbed, barns pillaged, private homes forcibly entered, and one printing office burned. In a raid into an adjoining county an aged respectable citizen was killed because he was suspected of being a member of the Ku Klux Klan.[1] Half of the men of Dover fled to safer retreats. Merchants complained that conditions were so threatening that people who owed them could not gather their crops.

In the midst of these commotions the regular October term of the circuit court convened and Judge May tried again to place Dodson under bond. But Dodson again ignored the court. While the court was thus embarrassed their appeared on the scene a non-partisan investigating commission sent up from Little Rock by the governor to ascertain all the facts underlaying the trouble. After thor-

[1] Reynolds, *Pope County Militia War; Van Buren Press,* September 24th, 1872. Charles Campbell, J. H. Jameson, J. T. Bullock.

oughly going over the situation the commission made an elaborate report, but it did nothing towards quieting the leaders in either group. Only after Dodson and a few of his associates had been killed, did the friends of Hale and Tucker who had thus satisfied themselves show a marked desire for peace. By that time Baxter had become governor and was in a mood to restore order in Pope county. He appointed as sheriff John B. Erwin, an upright and highly respected citizen, who soon restored normal conditions.

CHAPTER XIII

Discord in the Republican Party

As we have seen, the Republican party when organized for the reconstruction of the state of Arkansas was composed of discordant elements, insistent upon recognition and patronage in proportion to their respective contributions to the strength of the organization.[1] Failure to accord such recognition satisfactorily was the cause of the party's first troubles, and was the chief factor in its ultimate undoing. Before a formal party organization had been effected dissensions arose amongst Republicans over the contract for the public printing and resulted in the disaffection of a considerable group of old citizens who had been prominent in the Murphy government.[2]

In the first Republican state nominating convention, January, 1868, the disposition of the carpetbag element to monopolize the nominations for office produced an ugly rift in the inchoate party. A majority of the southern white delegates entered that convention confident that Colonel J. M. Johnson, an old citizen of North Arkansas and a consistent union man, would receive the nomination for governor, and when, through what they conceived to be greed on the part of carpetbaggers and treachery on the part of a few of their own class, he was passed over for General Clayton, they were sorely aggrieved. At the same time a

[1] See where *Daily Republican* appeals for recognition of all the elements.

[2] Conversation with R. C. Vance and Enoch Vance.

considerable group of carpetbaggers and negroes were alienated from the majority by the treatment accorded the Rev. Joseph Brooks. Brooks had done yeoman service in disseminating radical doctrines and organizing the negroes for political action, and now aspired to a seat in the national House of Representatives. The majority, however, failed to recognize his services by such a nomination, and his friends declared he had been grossly mistreated.

During the first part of 1868 there was nothing for disgruntled Republicans to do but to cooperate with those who had captured the offices and the leadership of the party and await another day for evening of scores. As soon, however, as the state was fully restored to the Union there appeared in the legislature portentous signs of trouble. Brooks then came forward as the champion of retrenchment and economy and declared that the Republican party in Arkansas was creating "a load" under which it could never successfully complete the reconstruction of the state. During the campaign of 1868 Brooks' special theme had been the reckless extravagance of the recent legislature, and now his demand for economy was heartily endorsed by a majority of the tax-paying whites, both Democrats and Republicans.

In the adjourned session of the legislature, which met on November 17th, 1868, the disciplinary measures adopted by the majority to silence criticism of Governor Clayton's martial law policy drove many honest Republicans into open hostility to the leaders of their party. By the close of 1868 the discord had grown into an open rupture.[1] On February 22nd, 1869, the editor of the *Daily Republican* demanded that Joseph Brooks be thrown out of the Republican party because of his incessant attacks on the party's

[1] *Daily Republican*, January 5th, 1869.

record.[1] In the legislature and out, each faction was seeking to evade responsibility for the unpopular measures of the party.[2]

Under the leadership of Lieutenant Governor Johnson a group of scalawag representatives and senators boldly denounced the majority as a group of carpetbaggers interested solely in the exploitation of Arkansas.[3] On April 8th, 1869, two days before the adjournment of the legislature, the lieutenant governor and seventeen recalcitrant legislators held a meeting for the purpose of beginning an organization in opposition to the governor's policies. At this meeting resolutions were adopted declaring the administration of the state government unwise, extravagant, and corrupt, and inviting all good and true Republicans to unite in one grand effort to preserve inviolate the principles of the Republican party. As prominent causes of complaint the resolutions specified the "criminal abuse of power and dereliction of duty on the part of the Governor as commander-in-chief of the militia forces; the criminal and corrupt mismanagement of the railroad interests through an unfair distribution of state aid; the illegality and injustice of funding the full amount of the Holford bonds as part of the bona-fide debt of the state; and the extravagant appropriations made by the majority for all departments of the state government."[4] All patriotic and honest citizens were invited to cooperate in rescuing the government from the "ring of penniless adventurers," the "selfish and corrupt men who now hold the reins of power, and who are determined to continue in power at all hazards and to the last extremity."

[1] *Daily Republican*, February 22nd, 1869.

[2] *Ibid*, February 23rd, 1869.

[3] *Gazette*, March 19th, 1869.

[4] *Van Buren Press*, May 11th, 1869.

Those who signed these resolutions renewed their allegiance to the principles of the Republican party, affirmed their confidence in the wisdom, character and patriotism of President Grant, and expressed a belief that he would use his power and influence to secure them "an open field and a fair fight" against the enemies of true republicanism. These promoters of reform pledged themselves to "a just and liberal policy, looking to harmony and economy in the government, and the freedom and equality of all men before the law." The last act of this informal meeting was to provide for establishing at Little Rock a newspaper for the express purpose of supporting the true principles of republicanism.[1]

Within a few days following this meeting its promoters published broadcast through the Democratic newspapers of the state a circular letter repudiating the policy which the dominant element of the Republican party had inaugurated, and suggesting the organization of a new party.[2] *The Liberal,* the newspaper established by authority of the meeting of April 8th, supported the proposition for a new party with great earnestness. An editorial in that paper on May 6th, said: "A great public necessity exists and is felt for the organization of some other party that can combine all the better elements of the people in one grand movement in favor of universal freedom, universal amnesty, and a liberal and progressive though just, honest, and conservative government."[3] Such a party, the editor urged, would attract the old Whigs who had been forced by the excesses or radicalism to vote with the Democrats.[4] The paramount issue he conceived to be "whether this state shall continue

[1] *Van Buren Press,* May 11th, 1869.

[2] *Daily Republican,* May 18th, 1869.

[3] The *Liberal,* May 6th, 1869.

[4] *Ibid.,* May 8th, 1869.

to be ruled by radicals or not," and the plan suggested for determining that issue was "to unite all the elements of opposition to radicalism in favor simply of a change in rulers." [1]

The supporters of Governor Clayton became thoroughly alarmed at the progress of the new movement, and sought to check it by securing a federal appointment for Lieutenant Governor Johnson. But the plan failed and Johnson continued to make trouble for those in power.[2] When Governor Clayton left the state in the summer of 1869 to arrange for funding the state debt the lieutenant governor, whose constitutional right it was to exercise the chief executive functions in the governor's absence, was not notified. Johnson's friends resented this official slight and laid plans for seizing the state government. Johnson, who was at his home in North Arkansas, was informed of Clayton's absence and urged to hasten to Little Rock and occupy the governor's office. These activities were discovered and reported to Clayton by his supporters. Both the governor and the lieutenant governor hastened to Little Rock. When Johnson arrived at the capital he found Clayton in the governor's office and no official business awaiting his own attention.[3]

Though thwarted in their scheme to place Johnson in the governor's office, his friends availed themselves of his presence in the city to discredit as far as possible Clayton's administration. To that end a serenade to Johnson was arranged for August 13th. In recognition of that mark of attention Johnson made a speech, enumerating the iniquities of those in power and charging them with corruption in

[1] The *Liberal*, June 2nd, 1869.

[2] Arkansas, MSS, May 29th, 1869, Telegram of Clayton and others to Grant; *Van Buren Press*, April 26th, 1869.

[3] *Gazette*, August 1st, 1869; Clayton, p. 263.

awarding state aid to railroads and in funding the state debt.[1] The Clayton group responded to this attack by instituting *quo warranto* proceedings against Johnson requiring him to show that he legally held the office of Lieutenant Governor of Arkansas.[2]

Before the *quo warranto* case came to trial the Anti-Clayton group held a mass convention at Little Rock on October 14th, and organized the Liberal Republican party of Arkansas. The promoters of this movement extended an invitation to all citizens of Arkansas who favored immediate enfranchisement "irrespective of race, color or previous condition" to enroll their names as delegates and take seats in the convention. One hundred men from twenty-three counties, including carpetbaggers, scalawags, and negroes, presented themselves as delegates. The negro element received special consideration, Tabbs Gross, a negro then engaged in establishing a newspaper designed primarily for colored citizens, being made one of the two vice-presidents of the permanent organization.

The platform in which this convention announced the principles of liberalism, pledged the new party to maintain the union and the Constitution of the United States, endorsed reconstruction as thus far accomplished, recognized the validity of the state government, favored immediate removal of political disabilities, opposed any change in the state constitution curtailing the rights of negroes as then recognized, called for a material curtailment of the powers exercised by the governor, favored the limitation of revenue to the minimum necessary for an honest and efficient government, endorsed education, immigration, and internal improvements, and emphasized the necessity of retrenchment, economy, reduction of salaries of state officers, the aboli-

[1] *Gazette*, August 14th, 1869; *Van Buren Press*, August 24th, 1869.

[2] The *Liberal*, August 18th, 1869; *Gazette*, August 18th, 1869.

tion of superfluous offices, and a general reform in the public school system.[1]

These Liberals appealed to the Democrats and former Whigs to unite with them "honestly and in good faith upon the common platform of universal suffrage and universal amnesty," and warned them that an attempt to reorganize the Democratic party with a view to taking advantage of the discord among Republicans would result inevitably in the success of the radical supporters of Clayton. The Democrats, however, were reluctant to cast their lot with either faction of the enemy without assurances of relief from political disabilities. The radicals understood well the position of the Democrats; and when the Liberals endorsed immediate removal of all such disabilities, Governor Clayton and his friends were ready to state their own position on that issue. Therefore the *quo warranto* proceedings to check the growth of liberalism were dropped for more effective measures.

Within twenty-four hours of the adjournment of the Liberal Republican convention Governor Clayton declared in a public address that his party "should now be prepared to take steps in a constitutional way" to restore to the disfranchised the rights of the ballot "and thus set at rest forever this vexed question." The governor was careful to explain that the constitutional way provided that the "qualified electors must twice give their consent through their representatives, and once directly at the polls" in order to change the organic law of the state. Continuing he said: "Peace, quiet and security reign everywhere. Should this state of affairs continue, I shall recommend to the next general assembly a proposed amendment to the constitution in relation to the elective franchise, which I trust will result in a permanent and lasting peace, and in the establishment of

[1] *Gazette*, October 15th, 1869.

that cardinal principle of republicanism that all men are equal before the law and endowed with the same rights, privileges, and immunities." [1] This he conceived to be a touch on "the right chord at the right time" and the only policy which would carry his party safely through the campaign of 1870.[2]

These declarations of policy were followed immediately by a vigorous canvass for the election of November 8th, 1870, for the choice of representatives in Congress and members of the state legislature which would meet in January, 1871. The Liberal Republicans organized throughout the state and nominated candidates in every legislative district. The Democrats fused with those Republicans who styled themselves conservatives in support of Democratic-Conservative candidates on a platform essentially the same as that of the Liberals.

Before the canvass had passed the preliminary stages the announcement that Governor Clayton was a candidate for the United States Senate to succeed Senator Alexander McDonald caused further embarrassment for the regular Republicans. The state was thoroughly canvassed in the governor's interest before the Republican local nominating conventions met to select candidates for the state legislature. In these conventions bitter conflicts sprang up over the question of endorsing Clayton's candidacy, and in practically every case resulted in his opponents withdrawing in bad temper. These bolters then gave their support to Liberal Republicans or Democratic-Conservative candidates.

Since the Clayton forces had dominated fifty-two of the local party conventions and were in full control of the registration and election machinery, as well as of the old Re-

[1] Clayton, p. 312.

[2] *Van Buren Press*, October 4th, 1870; Clayton to McConnell.

publican state central committee, they hoped by a judicious use of their power to heal the breach in their party. But on September 23rd, 1870, in the heat of the campaign, the anti-Clayton members of the Republican state central committee, finding themselves in a majority, gave that body's official endorsement to the Liberal candidates for Congress, and thus destroyed the last hope of party harmony. To the governor and his partisans this action confirmed the long standing suspicion that the state's senators and representatives in Congress were supporting the opponents of Clayton's administration.[1] When it became evident that party unity could not be restored the editor of the *Daily Republican* advised his party "to open the war to the knife and the knife to the hilt."[2] This piece of advice was followed.

As the canvass progressed all hope of removing factional differences vanished in a storm of excitement and bitterness. Governor Clayton for the Republicans and Joseph Brooks for the Liberals, each assisted by a corps of able campaign speakers and partisan editors, covered the state thoroughly. The main issue between these groups was that of the modification of the suffrage laws, but local interests and personal prejudices brought together in each group so many discordant elements that they were unable to take clear-cut positions on that question.[3] Clayton's candidacy for the United States Senate became more and more the primary concern of the politicians and increased the personal aspects of the campaign. It soon degenerated into a contest of vituperative personalities and charges and counter charges of bribery, peculation, and fraud. The only common ground between Republicans of different factions was a lively contempt for Democratic and Conservative leaders

[1] *Daily Republican*, October 3rd, 1870.

[2] *Ibid.*, September 26th, 1870.

[3] *Gazette*, September 2nd, 1870; *Van Buren Press*, July 12th, 1870.

who were engaged in merciless criticism of Republican rule and endeavoring to follow such a course as would attract Republican voters of conservative tendencies.[1] The desperate straits to which the supporters of Clayton felt themselves reduced were shown on the very eve of the election, when a score of agents purporting to be capitalists from Boston arrived on the scene to assure the voters of Arkansas that the only condition on which money could be borrowed for developing the resources of their state was that the regular Republicans be continued in power.[2]

The registration of voters preliminary to this election was conducted in such a way as to aggravate the tendencies towards fraud and violence. That work was entrusted to Clayton Republicans only and in many localities executed in such a way as to give color to charges of gross partisanship on the part of registrars.[3] On their part the registrars complained of threats and intimidation at the hands of Democrats and disaffected Republicans.[4] Governor Clayton repeatedly assured his opponents that there should be a fair registration and he issued specific instructions that all registration officers conform in all matters to the strict letter of the law, but he neglected to give attention to the manner in which his instructions were carried out.[5] Since they considered no time-honored principle of Democracy involved, leaders of the party urged Democrats "to register to a man" and vote.[6] It appears that there was great effort made by

[1] *Gazette*, November 10th, 1870.

[2] *Daily Republican*, November 1st, 1870.

[3] *Van Buren Press*, October 18th, 1870.

[4] *Daily Republican*, September 23rd, 1870.

[5] *Daily Republican*, September 26th, 1870; *Gazette*, September 27th, 1870 and October 13th, 1870, and August 17th, 1870; *Gazette* December 7th, 1870; *Ban Buren Press*, October 4th and 11th, 1870.

[6] *Van Buren Press*, August 23rd, 1870; *Gazette*, September 6th, 1870.

each party to register its full strength. When registration was completed and the lists revised there were reported 71,885 electors out of a total of 102,359 males of voting age, an increase of only 5,569 over the registration of 1867.[1]

The election was completely under the control of appointees of Governor Clayton and was conducted in many localities in a most reprehensible fashion. Election judges and clerks stuffed ballot boxes and rejected votes very largely at will, while the opposition in many cases practiced intimidation. In some cases the sheriffs and other county officers gave countenance and aid to election officers practicing fraud.[2] After a most thorough canvass of the voters and great effort by each party to poll its full strength there were counted only 53,800 votes. Perhaps a greater number of ballots were cast. The Democrats and Conservatives elected two of the three representatives in Congress and eight senators and twenty-nine representatives in the state legislature.[3] The Liberals elected nine representatives in the legislature.

The contest had left control of the state in the hands of the Clayton Republicans, but the inordinate ambition of a few of its leaders had produced an irreparable breach in their ranks. While the editor of the *Daily Republican* interpreted the election as a popular mandate for his party "to continue its march of progress and prosperity,"[4] he demanded that it move immediately "to fulfill its pledges of retrenchment and reform of all abuses."[5]

The strife engendered through the contest ending in the

[1] *Gazette*, January 17th, 1872.

[2] *Gazette*, Nov. 10, 20, 22, Dec. 22, 1870; *Daily Republican* March 8, 1870.

[3] *An. Cyc.* 1870, p. 32.

[4] *Daily Republican*, November 11th, 1870.

[5] *Gazette*, November 23rd, 1870.

election of 1870 was carried into the legislature which convened on January 2nd, 1871, and continued throughout the session. The Republican majority had a definite program which they proposed to carry out at all hazards. Every contested seat was awarded to the claimant most in harmony with their program. All other interests were subordinated to strengthening Republican control over the state and to sending Governor Clayton to the United States Senate. Democrats and Conservatives were also anxious to send the governor to the Senate, but only for the purpose of getting control of the state government by placing the conservatives lieutenant governor in the gubernatorial chair.

On January 10th, 1871, Clayton was duly elected to the United States Senate to succeed Alexander McDonald, but he refused the honor until some arrangements might be made to prevent Johnson's succeeding him. With the governor's definite announcement on that point his friends in the legislature turned their attention to the problem of eliminating the lieutenant governor. Their first attempt in that direction was a trial at impeaching him for administering the oath of office to Joseph Brooks, whose claims to a seat in the state senate had not been finally adjudged by that body. And when that plan failed, S. W. Mallory introduced in the senate a bill to declare vacant any office, the incumbent of which had not qualified and entered upon his official duties within fifteen days after having been notified of his election or appointment.[1] As this bill was evidently directed at the lieutenant governor and prompted by the basest sort of partisanship, a number of moderate Republicans joined the Democrats and Conservatives in defeating it.

Not to be thwarted in their purposes to put Johnson out of the way his enemies decided to resort to the courts. The

[1] *An. Cyc.*, 1871, p. 29.

state supreme court was petitioned for a writ of *quo warranto* requiring James M. Johnson to show by what right he occupied the office of Lieutenant Governor of Arkansas. To make sure of their grounds they secured a reconstruction of the court before it heard the petition. For reasons never made known to the public Chief Justice Wilshire and Associate Justice Bowen resigned, and the governor advanced Associate Justice McClure to the chief-justiceship and appointed J. E. Bennett and E. J. Searle associate justices.[1] On February 17th, 1871, the reconstructed court issued the writ prayed for and made it returnable within twenty-four hours.[2] Johnson through attorneys had no trouble in showing that he had complied with all requirements of the law, and after a six days consideration of the case the court decided that he was entitled to the office.[3]

This incessant warfare on Johnson led the House of Representatives, which had become anti-Clayton by a small majority, to vote articles of impeachment against the governor for malfeasance in office, in that he had aided in election frauds in 1870, had conspired with the state supreme court to deprive the lieutenant governor of his office, and had accepted pecuniary considerations for issuing certain railroad aid bonds.[4] The design of the impeachers was to secure the immediate suspension of Clayton and the succession of Johnson. But Clayton on the advice of counsel that the voting of articles of impeachment did not work immediate suspension notified the speaker of the House that he would not vacate his office until notified that impeachment had been perfected in conformity with the require-

[1] *Gazette*, February 17th and 18th, 1871.

[2] *Ibid.*, February 18th, 1871.

[3] *An. Cyc.*, 1871, p. 29; *Gazette*, 25th and 26th, 1871; *Daily Republican*, February 27th, 1871.

[4] *An. Cyc.*, 1871, p. 29. *Gazette*, February 27th, 1871.

ments of the criminal code of the state of Arkansas. Thereupon the House of Representatives appointed managers to prosecute the impeachment charge and notified the Senate in regular form.

Although they controlled the Senate by a safe majority, the governor's friends were not disposed to have that body pass on the charges. When the time for trial arrived a sufficient number of senators absented themselves to prevent a quorum. This they did for nine consecutive days, and when finally they returned to their seats they adopted for the trial a rule that a majority vote should decide any question and that each side should have only thirty minutes for argument. The managers considering conviction impossible under such rules asked and obtained release from further services in the case. Another set of managers quickly appointed made a thorough investigation of all the grounds on which impeachment had been based and recommended that the matter be dropped. The House adopted the recommendation of the managers, thus acknowledging the failure of its plans to dispose of Clayton and secure control of the state government.

A great majority of the people were now losing all interest in a factional struggle which was costing the state several hundred dollars daily without the slightest promise of bettering conditions. When popular disapproval became severe and it was evident that neither faction could carry out its full program, a compromise was agreed upon. Robert J. T. White, secretary of state, resigned, J. M. Johnson was appointed his successor, and O. A. Hadley was elected president of the Senate.[1] Governor Clayton was again elected to the United States Senate and accepted.[2] The apparent ease with which Clayton's friends had shifted both White and Johnson gave rise to charges of bribery.

[1] *Van Buren Press*, March 31st, 1871.

[2] *Gazette*, March 19th, 1871; *Daily Republican*, March 15th, 1871.

Within eight days after senator-elect Clayton departed for Washington the legislature finished its labors and adjourned. The Republican majority had realized their immediate aims, but had aggravated the causes of their own undoing. They had done very little for the relief of the tax-payers.[1] Even the Republican demand for retrenchment had been ignored.[2] The friends of Senator McDonald had been alienated from the party by the ruthless way in which their favorite had been sacrificed for the preferment of Clayton. By a general act the political disabilities of two hundred nine persons had been removed,[3] but a bill for the removal of such disabilities from nine hundred persons had been defeated. From that time on there was serious doubt in Democratic and Conservative minds as to the sincerity of Republican promises of universal suffrage. And yet, in fulfillment of campaign promises and on the recommendation of Governor Clayton, this legislature adopted a joint resolution proposing an amendment to the state constitution, which on its ratification would remove all political disabilities except those incurred through conviction of crime.[4] But as this amendment was proposed avowedly in the enterest of the Republicans in power it failed to conciliate either the Democrats or the conservative Republicans.

On March 23rd two days before the adjournment, the Democratic and Conservative members of the legislature met and appointed a committee to lay plans for future action. On the day of adjournment a second meeting was held, at which a state central committee was appointed and an address issue to the people. The address pronounced the lead-

[1] See *supra*, p. 357.

[2] *Daily Republican*, February 7th, 1871.

[3] *Laws of Arkansas*, 1871, p. 341.

[4] *Laws of Arkansas*, 1871, p. 351.

ing events connected with the expiring legislature but "a record of radical extravagance and reckless disregard of the rights of the people—of selfish, corrupt and unprincipled bargaining, scheming and intriguing for spoils," the effect of which had been to retard every form of industry and impair the credit of the state. The voters were exhorted to rally to the support of the committee in perfecting plans to defeat those in office.[1]

On May 23rd, 1871, Joseph Brooks sounded the keynote of the campaign of 1872, proposing as a battle cry for honest Republicans "universal suffrage, universal amnesty, and honest men for office."[2] The *Daily Journal*, successor of the *Liberal*, had already declared for a constitutional convention as the best and quickest procedure for removing the political disabilities imposed by the Constitution of 1868. This was the issue on which the disaffected Republicans proposed to unite for the defeat of those in power. Every proposition for restoring harmony within the Republican party was rejected by Brooks and his friends, who felt able to discredit the opposing faction by crushing Senator Clayton.

On September 3rd, 1871, United States Marshall R. F. Catterson arrested Clayton on a warrant charging a violation of the enforcement act in granting a certificate of election to John Edwards, candidate for Congress in the third disrict, when he knew that Edwards had not been duly elected.[3] The warrant had been issued on the advice of United States District Attorney W. G. Whipple. Clayton and his supporters met their opponents boldly. They secured the removal of Catterson and Whipple from office. In the trial before United States Judges O. S. Dillon and

[1] *Gazette*, March 28th, 1871.

[2] *Daily Republican*, August 15th, 1871.

[3] *Ibid.*, September 4th, 1871.

J. C. Caldwell Clayton demurred and was sustained on the ground that he was not at the time of certificating Edwards an election officer in the meaning of the enforcement act. In the meantime other federal officers unfriendly to Clayton were removed from office, and the Liberal Republicans and Democrats declared that President Grant had joined in an attempt to crush all opposition to the radical Republicans in Arkansas.

Throughout 1872 partisan feeling was intense. Party lines were more distinct than they had been in 1870. The Democrats had finally succeeded in organizing well enough to enable them to do a little political jockeying of a very high order. The regular Republicans, locally denominated radicals and "minstrels,"[1] included only those who supported the state administration and were in sympathy with the leadership of Senator Clayton. Another group, calling themselves Reform Republicans, but locally known as "brindletails"[2] included the followers of Joseph Brooks. The Liberal Republicans were now reduced to those original liberals who refused to go bodily into the reform movement launched by Mr. Brooks and his lieutenants. The elements which had fused to make the Democratic-Conservative party of 1870 had fallen apart and had been absorbed by the four distinct parties. Advantages were about equally distributed. The "brindletails" controlled a decided majority of the Republican vote of the state, the "minstrels" controlled the registration and election machinery, while the Democrats and Liberal Republicans shared between them the balance of power.

[1] This term was applied to the followers of a Republican leader who had been a member of a minstrel company.

[2] Brindletails were the supporters of Brooks whose conduct on the platform had caused a political apponent to compare him to a brindletail bull.

The Democrats opened the campaign early with the design of forcing all groups of Republicans to liberal positions and cooperating with those who were able to offer the best terms. On March 2nd, 1872, the Democratic state central committee issued a call for a state convention at Little Rock on June 19th following. The Liberal Republicans called their state convention for June 18th. Thereupon the regular Republican state central committee met and agreed on May 18th as the date for their convention, but immediately split asunder over the action of the "brindletail" majority under the leadership of the chairman, B. F. Rice, in declaring vacant the places of the "minstrel" members because they had opposed the committee's endorsement of the Liberal Republican candidates for Congress in 1870. The "brindletail" members then organized and called a Republican convention to meet at Little Rock on May 22nd. This committee quarrel was taken up in the local conventions and resulted invariably in the withdrawal of the minority element and in the nomination of two tickets.[1]

The "minstrel" convention of May 18th was composed of delegates from practically every county in the state, in nearly equal proportions of whites and blacks. The resolutions adopted condemned in unqualified terms all Republican leaders who were "following after the strange gods set us at Cincinnati"; commanded the administration of President Grant; extended sympathy to Senator Clayton in the attacks his opponents were making on him; and registered their approval of the high character and ability displayed in Governor Hadley's leadership. The demand of the negroes that they be properly recognized was met by the election of three negro delegates to the National Republican Convention.[2] No nominations for the state ticket were made at this meeting.

[1] *Gazette*, April 24th, 1872; *Daily Republican*, May 18th, 1872.

[2] *Gazette*, May 19th, 1872; *Daily Republican*, May 19th, 1872.

Four days after the "minstrel" convention adjourned the "brindletail" convention met. The delegates were as a rule the acknowledged leaders of the faction and represented practically the entire state. Perfect harmony prevailed. In clear and unequivocal resolutions this convention condemned President Grant for having removed officials guilty of nothing more than preparing to indict offenders against the law. They refused to select delegates to the Philadelphia convention, endorsed Greeley and Brown, declared that the party in power had inflicted on the state of Arkansas the worst government ever tolerated by a free people, and committed their own party as Reform Republicans to "universal suffrage, universal amnesty, and honest men for office." Other resolutions called for economy in government, reduction in taxes, fairness in elections, reformation of the public school system, and popular election of many officers at that time appointive. In making nominations for the state ticket an effort was made to recognize every element of Republicans dissatisfied with the existing state administration. Joseph Brooks was nominated for governor.[1]

The Liberal Republicans in their convention on June 18th endorsed the Cincinnati platform, reaffirmed their own principles of 1869, and declared it the imperative duty of all citizens to combine in opposition to the existing administration, state and national. Full authority over nominations for the state and electoral tickets was conferred on their state central committee, with instructions to assist in arrang-

[1] *Gazette*, May 22nd, 1872. The other nominations were D. J. Smith for Lieutenant Governor; J. R. Berry, State Auditor, T. J. Hunt, Treasurer; W. P. Grace, Attorney General; Richard Somuels (col), Supt. of Penitentiary; Thomas Smith, Supt. Public Instruction; and William Harrison and John Whytock, Associate Justices of the state supreme court.

ing such an electoral ticket as would unite the supporters of Greeley and Brown.[1]

The Democratic convention met on the oppointed day and furthered the work of combining all the opposition elements. The resolutions adopted condemned the record of the Republican party in Arkansas, instructed their delegates to the Baltimore convention to vote for the ratification of the nomination of Greeley and Brown, endorsed the Cincinnati platform and the platform of the "brindletail" Republicans, declined to nominate a state ticket, ratified the nomination of Joseph Brooks for governor, and authorized their state central committee to act with like committees from all reform republican organizations in Arkansas in the conduct of the approaching canvass.[2]

The rapidity with which the element of opposition were drawing together caused the "minstrel" Republicans to bestir themselves. Senator Clayton was made chairman of the state central committee and a more thorough organization of the party effected.[3] On July 16th an official call was made for all county committees of the "minstrel" persuasion to perfect their organizations immediately. The spokesmen for this party warned Republicans of all factions that the cry for a third party was but the prelude of delivering the state government into the hands of the old Democracy.[4] When early in August the central committees of the various opposition parties designated three members each to form a joint campaign committee of nine, it was clear to the "minstrel" Republicans that their best chance

[1] *An. Cycle.*, 1872, p. 26.

[2] *Ibid.*, p. 27; *Publications of Arkansas Historical Association*, vol. II, p. 123.

[3] *Daily Republican*, June 3rd, 1872.

[4] *Ibid.*, July 16th, 1872.

of success lay in dividing their enemies by nominating such men and adopting such a platform as would attract Democratic votes.[1]

On August 21st the "Minstrel" state nominating convention assembled at Little Rock, endorsed the action of the National Republican Convention at Philadelphia, and adopted a platform which committed their party to "the largest liberty to the people without regard to race, color, creed, or nativity." They proclaimed the necessity of reform in the public school system of the state, a reduction in public fees and salaries, a fair registration of the voters, ratification of the proposed constitutional amendment, the early enactment of laws providing for the election of all officers by the people, and a thorough investigation of the alleged frauds in connection with the funding of the state debt. The convention endorsed the action of Congress in removing political disabilities, but emphatically denied the power of that body to remove political disabilities imposed by the constitution of Arkansas.[2] In definiteness of commitment this platform clearly surpassed the one on which the coalition had planted itself. Moreover, it was the authoritative statement of those Republicans who enjoyed the confidence of Congress and controlled the state government.

As a distinct concession to the scalawag element which had become "notoriously disaffected" because of the abuses under carpetbag rulers, the convention nominated for governor Elisha Baxter. Baxter was a native of North Caroline, but had settled in Arkansas some years before the war,

[1] *Gazette*, August 9th, 1872. The committee of nine was composed of (1) Reform Republican, B. F. Rice, J. L. Hodges, G. W. McDiarmid, (2) Liberal Republican, John Kirkwood, R. L. Jennings, Jas. H. Fleming, (3) Democrats, Gordon N. Peay, Jas. F. Witherspoon, and Fay Hempstead.

[2] *Daily Republican*, August 22nd, 1872; *An Cyc.*, 1872, p. 27-28.

had maintained an enviable record for loyalty and honesty, and was free from any responsibility for the evils of Republican rule. It seems that his nomination was dictated by the conviction that only a representative of the best type of scalawags could secure the support of the native white Republicans.[1]

The platform and nominations offered by the regular Republicans caused the coalition parties serious trouble. Here were presented principles as liberal as those supported by the Democrats and Reform Republicans and a gubernatorial candidate much more acceptable to Democrats than was Joseph Brooks. There had already sprung up among Democrats and Liberal Republicans a demand for recognition on the common ticket, and now they formally called for a general modification in that direction. When the state central committee of the coalition met on August 24th to consider substitutions on their ticket, the Reform Republicans refused to make a general modification, but conceded three minor places to the Democrats. The Liberal Republicans resented such discrimination and on the first day of October proposed a ticket of their own headed by Doctor Andrew Hunter, a very popular minister of the Methodist Episcopal Church, South, who had never taken any actve interest in party politics.[2]

Smarting under their failure to wrench greater concessions from the Reform Republicans, the regular Democratic central committee issued an address advising all Democrats in Arkansas to support the Hunter ticket instead of the one headed by Brooks. The great mass of Democrats, however, resented the action of the committee as the work of a small group of politicians more interested in advancing

[1] *Report of Committee, 43 cong. 2 Sess, no. 2*, p. 427.

[2] *Gazette*, October 4th and 9th, 1872; *An. Cyc.*, 1872, p. 27.

their personal interests than in ridding the state of radical domination. Dr. Hunter was not in sympathy with the movement for separate liberal action and refused to make the canvass. The Brooks faction refused to make other changes or to cooperate with the Democrats except on condition that Brooks be the candidate for both parties for governor. After the lapse of only ten days the Democratic central committee issued an address urging all those interested in reform to return to the plan adopted by the convention of June 19th.

The campaign of 1872 was more exciting and strenuous than that of 1870. The "minstrel" Republicans made no effort to defend their party record, but endeavored rather to assure the people that in case of Baxter's election their platform promises would be carried out in good faith.[1] "Minstrel" campaign orators and newspapers zealously reminded Democrats and conservative Republicans that Joseph Brooks, the Reform candidate, was chiefly responsible for some of the most odious legislation enacted by the Republican party, that he had been especially vindictive towards the ante-bellum Democrats of Arkansas and that his record for honesty was not above grave suspicion.

Mr. Brooks led the coalition forces and threw himself into the canvass without stint. He was a Methodist preacher of the old type and understood well how to appeal to the masses. His powerful voice, stern countenance and great physical endurance made him especially influential with the negroes. Early in May he retired from the editorship of *The Journal* and from that date to November he visited every section of the state, addressing hundreds of audiences. With telling effect he charged the responsibility for all the evils of Republican rule in Arkansas to the supporters of

[1] *Van Buren Press*, September 3rd, 1872.

Baxter, and demanded in the name of simple justice "universal suffrage, universal amnesty, and honest men for office." His Democratic allies gave him little support.[1] They did not relish his candidacy, but were willing to vote for him in the hope of driving the "minstrels" from office.

The "minstrels," in control of the machinery for the registration of the voters and for conducting the election, evinced a determination to conduct both registration and election in a strictly partisan manner.[2] Only those loyal to the administration were appointed registrars and judges and clerks of election. On July 23rd Governor Hadley of his own volition declared the registration law of 1871 null and void and ordered registration made under the law of 1868.[3] The supporters of Brooks then charged the governor with deliberately planning to deny registration to enough applicants to insure a safe majority for Baxter.[4] While the editor of the *Van Buren Press* thought there was a fair chance for an honest registration, he nevertheless exhorted Democrats to defend their rights. In consequence of this partisan appeal registrars were often intimidated.[5] Although Governor Hadley announced his determination to enforce the law faithfully, registrars practiced gross partisanship in many instances.[6] There was the keenest sort of competition among the Republican factions in encouraging the negroes first to register and then to vote.[7] The Union

[1] *Gazette*, during fall of 1872.

[2] Arkansas Mss. March 12th, W. T. Cunningham, Clerk of Sharpe County, asking Hadley to assist in making registration of the party's interest.

[3] *Van Buren Press*, July 30th, 1872 and October 8th, 1872.

[4] Harrell, *Brooks-Baxter War*, p. 129; *Van Buren Press*, August 20th, 1872.

[5] *Daily Republican*, December 23rd, 1872.

[6] *Van Buren Press*, October 29th, 1872.

[7] *Daily Republican*, October 2nd, 1872.

League with Governor Hadley as president of its state council served the "minstrels" well in reaching the colored voters.[1] Before election day arrived all parties were in dangerous temper and each prepared to elect its candidates at any cost.

At the election on November 5th the most brazen irregularities were practiced.[2] Ballots were added or thrown out by the election officials as the exigencies of their party required. On the other hand partisans of Brooks in many precincts interferred with the election officials. At some precincts "outside polls" were opened by the friends of Brooks, at which those who claimed to have been denied registration on insufficient grounds cast their ballots.[3] Hundreds of enthusiasts voted at both polls. Votes were cast for "Elisha Baxter," "E. Baxter," "Baxter," "Brooks," "Joseph Brooks," U. S. Grant, William Byers, A. Hunter, and A. H. Garland, in addition to the regularly nominated candidates. No returns were made for Green, Poinsett, Scott, and Johnson counties nor for numerous precincts in other counties.[4] Of the 80,721 votes counted for governor, Baxter received a majority of 2,919.[5] The other candidates for state office on the "minstrel" ticket were declared elected by somewhat smaller majorities. At the same election the Republican presidential electors received a majority of 3,146 in a total of 79,000 votes.

[1] *Daily Republican*, May 14th, 1872 and May 2nd, 1872; *Gazette*, April 10th, 1872, Arkansas Mss. March 12th, 1872.

[2] *Report of Committee, 43 Cong. 2 Sess, no. 2*, p. 10; *Van Buren Press*, November 12th and December 3rd, 1872.

[3] *Daily Republican*, December 23rd, 1872.

[4] *Van Buren Press*, November 12th and 19th, 1872; *Daily Republican*, December 23rd, 1872; *Gazette*, December 8th, 1872.

[5] *Report of Committee, 43 Cong. 2 Sess. no. 2*, p. 428; *Gazette*, December 14th, 1872; *Publication Arkansas Historical Association*, vol. II, p. 123.

The election had been accompanied with such flagrant irregularities that as soon as it was announced that the entire "minstrel" ticket had been elected the leaders of the "brindletail" party declared that an overwhelming majority of the electors had voted for Brooks, and launched a movement to inaugurate him by force if necessary.[1] On November 18th these leaders in mass meeting at Little Rock called a convention of their party at the state capital on January 4th, 1873, two days before the assembling of the legislature. The avowed object of this convention was to demand a fair canvass of the entire vote of the state. The leading spirits of this movement proposed to lay before the legislature such evidence of Brooks' election as would induce that body to declare him elected or, failing in that, to induce the Democratic and Reform Republican members to organize themselves into a separate legislative body which would declare Brooks elected and authorize a resort to force to secure his inauguration.

Administration Republicans became alarmed at the revolutionary temper of the defeated party. From the first announcement of the results of the election "minstrel" leaders and newspapers sought earnestly to reconcile the more conservative "brindletail" Republicans to Baxter's election and to convince Democrats that the new administration would be honest and economical. They professed to realize that the vote for Brooks was a protest against evils which the Republican party could no longer ignore. On December 12th the editor of the *Daily Republican* somewhat after the manner of a prophet endeavored to convince the people that Republicanism in Arkansas had been thoroughly purged and was just entering upon its true mission. "The Republican party of the future," he wrote, "will be conservative,

[1] *Publication Arkansas Historical Association*, vol. II, p. 125.

honest, just, and upright, rid of fanatics like Brooks and Hodges, who propose to rob one part of the people to benefit another; rid of rogues like Rice and company, who propose to rob all for the benefit of themselves. The Republican party enters upon a new future in Arkansas, a future that will redound to the interest and advancement of the people and the state, a future of equal laws and equal rights to all irrespective of race, color or previous condition, a future in which whatever of wrong may have been done will be righted, a future which the whole people of the state will ratify; a future that will place Arkansas where she properly belongs, one of the foremost states in the galaxy of American states, foremost in wealth, in intelligence, and in power."

Such a frank prophecy of complete regeneration under Baxter tended to allay the political storm for a few days, but with the opening of the new year politicians of all shades of interest and temper gathered at Little Rock and renewed the strife. Delegates to the "brindletail" convention were prepared to have justice even at the cost of revolution. The Republican members of the legislature were determined to inaugurate Baxter, as the candidate who had received a majority of votes as declared by the election officials. The Democratic and Reform members-elect to the legislature soon reached the conclusion that as they had been declared elected and the Republicans were willing to seat them they could gain nothing through a revolution to inaugurate Brooks. Democratic politicians were on hand to espouse whatever side appeared to offer the most satisfactory terms. In fact they were perfectly willing to desert Brooks on proper assurances from responsible Republican spokesmen that Baxter would live up to his campaign promises. Such assurances were given and thereupon the Democrats refused to join the Brooks men in their contemplated revolution. This defection of the Democrats and

the presence of a small detachment of United States soldiers in the city upset the plans of the Brooks party.

The legislature met on January 6th, canvassed the vote for governor, and declared Baxter duly elected. In his inaugural address, delivered immediately upon the official announcement of his election, the new governor declared that his policy would be to restore peace and harmony among all the people, to hasten the enfranchisement of the disfranchised, to thwart the schemes of fanatics and demagogues to advance their own interests at the expense of the state, to confer "executive appointments upon honest, capable, and sober men—irrespective of party affiliations," and to execute the laws impartially.[1] As these utterances were in perfect harmony with those he had made during the canvass, the great majority of Democrats and Liberal Republicans were willing to sever all connection with those who continued to support Brooks.[2]

The delegates to the "brindletail" convention met and in their sore displeasure adopted resolutions denunciatory of the members of the legislature who had gone over to the enemy and appointed a committee to prepare an address to the public showing the enormous frauds by which Baxter had been elected. The address avowedly designed to convince Congress and the county at large of the grossness of the irregularities in the election, arrayed sufficient evidence of "specific frauds in each county" to warrant them in claiming a majority of 1,598 votes for Brooks, and declared Brooks and his friends prepared to prove their contention before a committee of the Congress of the United States.[3]

[1] Report of Committee, 43 Cong. 2 Sess. no. 2, p. 11.

[2] *Van Buren Press*, January 14th, 1873; *Publication Arkansas Historical Association*, Vol. II, p. 125.

[3] *An. Cyc.*, 1873, p. 34; *Gazette*, January 23rd, 1873.

Before this address appeared the legislature had provided for submitting to a popular vote the constitutional amendment proposed by the legislature of 1871. The directness with which this measure was carried through the legislature, the early date set for the vote on the proposition, and the unqualified endorsement given it by Senator Clayton greatly strengthend Governor Baxter with the Democracy. When on the third day of March, 1873, the amendment was ratified by a majority of 21,504 out of a total of 28,894 votes, the Democrats had no further interest in Mr. Brooks and his Reform Republicans.[1] They were by that time so far won over to Baxter that they opposed a movement started by the Reform Republicans for a constitutional convention for the purpose of embodying in the organic law the reform on which the contest of 1872 had been made.

It now seemed that the Republican party was to have smooth sailing. It was in control of every department of the state government. Its leaders had tacitly agreed with the Democrats on a working basis, and Democrats were apparently willing for them to have a fair chance to fulfill the terms of the agreement. Governor Baxter was representative of the best type of native Republican and had much more in common with the old Democracy than with either faction of the Republicans. Brooks and other leaders of the Reform Republicans had lost the confidence of most of their recent supporters by their willingness to plunge the state into revolution to get possession of the state government. Moreover, the Democrats were acknowledging that they had never had much confidence in Brooks personally or much hope of relief from the evils of Republican rule in the event of his election as governor. From every standpoint the future seemed bright for the "minstrel" Republicans if only they and Baxter could work in harmony.

[1] *Van Buren Press*, April 1st, 1873 and April 29th, 1873.

CHAPTER XIV

Return of the Democrats to Power

While the Democrats were gravitating to Baxter there was developing a situation destined to produce a complete break between him and a large majority of his own party. During the first week of the legislative session of 1873, while there was yet some possibility that the Democrats might join the Brooks Republicans in a revolution to seize the state government, there was no friction between the governor and the Republican members of the general assembly. But when no signs of such a revolutionary movement appeared a small group of Republican legislators proposed for enactment certain measures which appeared to the governor so palpably corrupt and partisan that he threw his whole influence against their passage. All the forces of the party were then arrayed in support of the proposed legislation, and threats and attempts at bribery were made to overcome the opposition of the executive.[1] The chief justice of the state supreme court, John McClure, was the agent through whom the attempt to bribe the governor was made. When all efforts at changing Baxter's position had failed the Republican party in Arkansas was hopelessly broken.

Immediately after the adjournment of the legislature the governor's policy began to follow more closely the promises laid down in his inaugural address. His appointments were for the most part non-partisan. Wherever the people had

[1] *Reports of Committee*, 43 Cong. 2 Sess. no. 2, p. 428.

expressed a choice of candidates for appointive officers he followed the popular will.[1] In the selection of registration officers he consulted both Democrats and Republicans as to the fitness of applicants, and when practicable appointed representatives of both groups on each board. In May of 1873 he designated a number of Democratic papers as proper organs for the publication of legal notices,[2] and in June following the Democratic *Gazette* was made the official organ for the state printing.[3]

The hostility which these steps provoked from Republicans forced the governor more and more into the arms of the Democrats and a small group of conservative Republicans.[4] When he deemed it advisable to organize the State Guard as a precautionary measure against possible violence at the hands of certain Republicans who had recently revived Brook's claims to the gubernatorial chair, that work was intrusted to Democrats.[5] Already his course had become so objectionable to his late supporters that they had decided to oust him from office and install Brooks.

On June 2nd, 1873, the state Attorney-General Yonley applied for leave to file with the state supreme court an application for a writ of *quo warranto* requiring Elisha Baxter to prove the validity of his claims to the office of Governor of Arkansas.[6] The attorney-general asked for a decision

[1] *Daily Republican*, July 9th, 1873; *Publication Arkansas Historical Association*, vol. II, p. 131. It appears that in many counties the people had voted on candidates for appointive offices.

[2] *Gazette*, May 9th, 1873; *Daily Republican*, June 18th, 1873.

[3] Van Buren Press, June 10th, 1873.

[4] *Daily Republican*, June 24th 1873.

[5] *Gazette*, May 16th, 1873; *Van Buren Press*, May 20th, 1873, July 22nd, 1873; Reports of Committee, 43 Cong. 2 Sess. no. 2, p. 430.

[6] *Daily Republican*, June 3rd, 1873; *Gazette*, June 14th, 1873. *Report of Committee*, 43 Cong. 2 Sess. no. 2, p. 429.

by June 5th. Arguments were made on the 3rd and the court, Chief Justic McClure dissenting, denied the writ on the 4th.[1] In its written opinion of September 24th, 1873, the court held that the question of determining who had been elected governor on November 5th, 1872, was by the Constitution of 1868 vested exclusively in the general assembly, and that neither the supreme nor any inferior state court had jurisdiction to try a suit involving such contests.[2] United States Senators Dorsey and Clayton were supporting Baxter, and there was abroad a suspicion that Brooks was being urged on by Chief Justice McClure alone.[3]

On the sixteenth of June, 1873, Brooks through his attorneys filed a complaint against Baxter in the Pulaski County circuit court, alleging the usurpation of an office rightly belonging to the plaintiff by virtue of his having received a majority of the votes in the election of November 5th, 1872.[4] To this complaint Baxter demurred, and ten months passed without a decision of the court on the demurrer. During these months Democrats in increasing numbers turned to Baxter, the Republicans to Brooks.[5]

As soon as the supreme court decision of June 4th reached New York City, United States Senator Clayton wrote Baxter a confidential letter, denouncing the mischief makers, who under the leadership of Brooks and McClure, had been trying "to place a gulf" between the senator and the gov-

[1] *Gazette,* June 5th, 1873; *Daily Republican,* July 9th, 1873.

[2] *An. Cyc.,* 1873, p. 35; *Daily Republican,* September 30th, 1873.

[3] *Gazette,* June 5th, 1873.

[4] *Gazette,* June 18th, 1873. *Brooks-Baxter* War, p. 191. This suit was brought under section 5745 of Gantt's Digest of the Laws of Arkansas, which provided that action by proceedings at law might be brought to prevent the usurpation of an office.

[5] Harrell, *Brooks-Baxter War,* p. 195. Conversation with numerous old citizens.

ernor.[1] He predicted there would be no further trouble over the validity of Baxter's election. When the opinion of the court was published Senator Dorsey joined Clayton in a telegram from Washington, D. C., endorsing Baxter and heartily condemning the revolutionary proceedings which had been instituted against him.[2] On October 8th the Republican state central committee issued a formal address to the public, endorsing the decision of the court and congratulating "the people of the state upon the undoubted termination of this gubernatorial warfare."[3] Thus assured by the leaders of the Republican party that there would be no further attempts to oust him from office, and under assurances of aid from the federal government if needed to sustain the decision of the state supreme court, the governor prepared to disband the state militia.[4] He was encouraged to take that course by the enthusiasm with which the conservative Republicans and Democrats were rallying to his support.[5]

While the governor was apparently gaining strength from the decision of the supreme court and the official endorsement of the Republican party, events were transpiring which gave him and his Democratic friends control over the legislature.[6] Soon after the adjournment of the legislature on April 25th, 1873, twenty-eight of its Republican and five of its Democratic members accepted appointments to state offices and six other members resigned out right, thus creating

[1] Arkansas Mss., June 24th, 1873.

[2] *Report of Committee, 43 Cong. 2 Sess. no 2*, p. 429-430.

[3] Publication *Arkansas Historical Association*, vol. ii, p. 128.

[4] *Gazette*, September 30th, 1873.

[5] *Van Buren Press*, August 19th, 1873 for T. G. T. Steele's endorsement of Baxter.

[6] *Gazette*, August 30th, 1873 for George Thornburg's reasons for resigning. *Brooks-Baxter War*, p. 196 for the list. Report of *Committee, 43 Cong. 2 Sess. no. 2* p. 520.

vacancies in partically every legislative district in the state. To fill these vacancies a special election was ordered for November 8th, 1873, and preparatory to that election a new registration of the voters was made by registrars recently appointed by Baxter. An opinion of the state attorney-general that the special election should be conducted by the election officers designated by the registrars of 1872 was ignored by the governor. Upon this manifestation of executive indifference to the interests of the party, anti-administration Republicans, relying upon Baxter's statement that no special session of the legislature would be called, and believing the election not of sufficient importance to warrant the trouble and expense incident to a general canvass, declined to nominate candidates in many of the districts, with the result that Democrats were elected to practically all the vacancies.[1]

During the canvass for the special election the Republicans worked diligently to keep Baxter and their party in harmony. McClure retired from the editorship of the *Daily Republican,* and the Republican state central committee announced that the future policy of the paper would be to support Baxter. The committee denounced Brooks as a "chronic agitator" and asserted that the United States government was endorsing Baxter.[2] It was claimed by Republicans that Baxter was in equally hearty support of the Republican state central committee.[3] Although somewhat perturbed by Democratic successes in the special election, Republicans felt confident of the future.[4]

It was clearly understood by both Democrats and Republicans that control of the state depended on the control

[1] Clayton, *Aftermath,* p. 351; *Daily Republican,* October 8th, 1873.

[2] *Daily Republican,* September 30th, 1873.

[3] *Ibid.,* October 11th, 1873.

[4] *Ibid.,* October 28th, 1873.

of Elisha Baxter, and after the special election the *Daily Republican* outlined the governor's future course and assured him of its own unqualified support in carrying out that policy,[1] The party was now to represent the most liberal type of Republicanism, taking the most advanced ground in the interest of all the people, and being prepared to discuss and adopt in the early future financial reform. Twenty days after this promise of reform, the same editor declared that there had not been such peace and contentment in Arkansas since the beginning of reconstruction as had accompanied Baxter's rule.[2] By the close of 1873 Brooks was deserted by all but a few disgruntled Republican leaders and his reform party was all but dead.[3]

While Baxter's course was on the whole pleasing to the Democrats, they were not willing to rest their whole case there. As the canvass for the special election began to show indications of Democratic success there arose a demand for a constitutional convention to revise the organic law in the direction of economy and popular government. It was generally understood that Baxter favored such a course and there was strong evidence that the Democrats were moving him in that direction.[4]

Republicans became apprehensive lest the governor should convene the legislature in special session to call such a convention.[5] Senators Clayton and Dorsey reached Little Rock early in March and spent several days in laying plans to control Baxter,[6] but by the first of April they had lost all hope

[1] *Daily Republican*, November 15th, 1873.

[2] *Ibid.*, December 5th, 1873.

[3] *Ibid.*, October 29th, 1873 for account of its committee meeting.

[4] *Van Buren Press*, October 14th, 1873; Daily Republican, December 10th, 1873; *Daily Republican*, April 11th, 1874.

[5] *Daily Republican*, April 11th, 1874.

[6] *Gazette*, March 24th, 1874.

of holding the state for the Republicans, except through a decision of the courts ousting him.[1] The editors of the *Gazette* and the *Van Buren Press* declared that in the next campaign for the election of members of the general assembly they should support him who favored an immediate revision of the constitution by a convention.[2] The editor of the *Gazette* went so far as to assure Baxter that he need have no fears for himself at the hands of a convention.[3]

The convention movement gathered such headway that the Republican leaders cut loose from Baxter and turned to Brooks as their last resort. Their final decision in this matter was reached when Baxter, on March 16th, 1874, announced his reason for refusing to issue more of the railroad aid bonds.[4] There appeared but one way by which Brooks could save the party, and that was resolved upon. On April 15th, 1874, Judge John Whytock of the Pulaski circuit court, in the absence of counsel for the governor, called the case of Brooks versus Baxter, overruled the demurrer entered June 16th, 1873, and declared Brooks entitled to the said office of Governor of Arkansas, and all books, papers, and other appurtenances thereunto belonging by virtue of the election in said complaint mentioned. Brooks was given judgment for all costs and for the sum of two thousand two hundred eighteen dollars with interest at six per cent from the date of the decision until paid.[5]

The plot was carefully laid and required for its consummation only decisive and vigorous action. Mr. Brooks and a small group of his friends were in waiting to carry out the

[1] *Gazette*, April 5th, 1874. and *Van Buren Press*, April 7th, 1874, both quoting the *St. Louis Republican*.

[2] *Van Buren Press*, April 7th, 1874.

[3] *Daily Republican*, April 11th, 1874.

[4] *Van Buren Press*, March 21st, 24th and 31st, 1874.

[5] Hempstead, p. 633.

decree of the court before Governor Baxter could prepare to defend himself. They procured a transcript of the court's action, had the oath of office administered to Joseph Brooks by Chief Justice McClure, and immediately installed him in the governor's office.[1] Baxter made as vigorous protest as his situation would warrant and then retired from the capitol building. While not more than twenty or thirty men participated directly in ousting the governor, forces sufficient to overcome any resistance he might offer were held in readiness near the scene.[2] These steps precipitated a revolution which resulted in the complete overthrow of the Republican party in Arkansas.

Brooks took possession of the capitol building and grounds, proclaimed himself Governor of Arkansas, appointed General R. F. Catterson adjutant-general, and called on President Grant for the state arms deposited in the United States arsenal at Little Rock.[3] Catterson seized the state armory and began fortifying the grounds about the capitol. With the exception of J. M. Johnson, secretary of state, the state officers on the ticket with Baxter endorsed Brooks as governor. With the exception of W. W. Wilshire the Arkansas members of the national House of Representatives repudiated Baxter.[4] Chief Justice McClure and Associate Justices Searle and Stephenson telegraphed President Grant that they recognized Brooks as entitled to the office he claimed. From Washington United States Senators Clayton and Dorsey telegraphed Brooks that his

[1] *Publication Arkansas Historical Association*, vol. II, p. 132. Harrell, *Brooks-Baxter War*, p. 202.

[2] *Brooks-Baxter War*, p. 202; *Publication Arkansas Historical Association*, vol. II, p. 132.

[3] *An. Cyc.*, 1874, p. 39.

[4] *Daily Republican*, April 21st, 1784 for the telegram; *Daily Republican*, April 15th 1874.

views were fully endorsed by the President of the United States, and urged him to hold his vantage ground at any cost. In the same message they tried to assure him that the authorities at Washington understood the situation and that his interests would be cared for at the national capital.[1] The editor of the *Daily Republican* calmly stated that a change in the governorship had occurred and asked the people to remain quiet until the courts should settle the question.[2] Every effort was made by the Republican press to convince the public that the sole purpose of Brooks and his friends was to replace the usurper Baxter by the man whom the people had elected on November 5th, 1872.

On retiring from the capitol Baxter proceeded to the Anthony House, the principal hotel in Little Rock, and there established headquarters from which he telegraphed his view of the situation to President Grant. In this communication he requested the support of the federal government in an effort he proposed to make "to maintain the rightful government of Arkansas" and asked that the commander of the United States arsenal at Little Rock be ordered to sustain him.[3] When no reply came to this request, Baxter assured the President that interference of the federal troops prevented the complete reestablishment of the legal government.[4] Democrats and the Democratic press rallied to Baxter's support and declared that whether or not he received a majority of the votes in the election of 1872, he had been inaugurated regularly and sustained in his position at least once by the United States government and that

[1] Harrell, *Brooks-Baxter War*, p. 215; *Daily Republican*, April 21st, 1874.

[2] *Daily Republican*, April 17th, 1874.

[3] Harrell, *Brooks-Baxter War*, p. 208.

[4] *Daily Republican*, April 21st, 1874.

any effort to oust him should meet the united resistance of all conservative people in Arkansas.[1]

Both claimants made formal appeals to "the people of Arkansas" for support. Brooks issued a proclamation setting forth the basis of his claims to the office of governor, warning the public that an attempt to restore Baxter would lead to strife and probable bloodshed, and admonishing "one and all" to remain quietly at their vocations until notified through proper authorities that their services were needed. On his part Baxter declared martial law in Pulaski County and began the organization of the state militia. This step was followed immediately by a proclamation reciting the events which had necessitated a resort to martial law and invoking the support of the people in his determination to repossess the capitol building and other state property.

In response to these proclamations and appeals a majority of both Democrats and Republicans now supported the candidate whom they had opposed in the gubernatorial election of 1872. The newspapers throughout the state divided about equally. Twelve Republican and nine Democratic papers supported Brooks, three Republican and fourteen Democratic papers rallied to Baxter, while three Republican and five Democratic editors remained neutral. The Brooks press took the position that the circuit court which overruled Baxter's demurrer was clearly within its jurisdiction, that its judgment was correct in that it carried out the will of the electorate of Arkansas, and that none but violent partisans would undertake any other course of opposition than that of an appeal to the state supreme court. It was thought by his friends generally that Mr. Brooks' declaration that he was willing to abide by the decisions of the courts was a fair proposition and should meet the approval of all honest men.[2]

[1] *Gazette*, April 23rd, 1874.

[2] *Daily Republican*, April 17th, 1874.

The day following Baxter's ejection from office the Democratic members of the Little Rock bar held a mass meeting and adopted resolutions declaring Judge Whytock's action in rendering judgment in the case irregular and insufficient to warrant "the revolutionary proceedings based upon it." Immediately following this meeting forty-four influential Democrats of Little Rock joined in a call for the people to sustain Baxter at any cost and hasten to Little Rock to aid in maintaining him in power.

The press supporting Baxter maintained that the legislature was the sole judge of the election of 1872, that one legislature had passed on the question and proclaimed Baxter elected, and that if another decision was to be had on the subject the legislature should be called in special session for that purpose. On May 2nd, the Democratic-Conservative state central committee appealed to the people to support Baxter, arguing that Baxter and not Brooks was standing on the principles which Brooks had advocated in 1872.[1]

The United States authorities, though at first sufficiently inclined to Brooks to encourage his friends to believe that he would be sustained, moved cautiously.[2] The President and the Attorney-General took the position that the general government should take no part in this dispute unless it was to prevent bloodshed or to preserve the peace.[3] On the first appeal of the claimants to President Grant the Attorney-General notified both Baxter and Brooks that their applications were not in proper form and suggested that the question at issue be left to the determination of the state courts.[4] This suggestion Baxter refused to accept; and when it became evident that force would be used to recover possession

[1] *Gazette*, May 8th, 1872.

[2] *Daily Republican*, April 20th, 1874.

[3] *Van Buren Press*, April 28th, 1874.

[4] Harrel, *Brooks-Baxter War*, p. 215.

of the public buildings, two companies of United States troops under the command of Colonel T. E. Rose were stationed between the contending forces to prevent bloodshed. To Brooks' followers this seemed to be the beginning of the end. They were confident that such a step would lead to the ultimate success of their cause.[1] A request from the mayor of Little Rock that the United States authorities afford protection to the city, was flatly refused. In order to avoid recognizing either claimant or encouraging others to do so in any degree, Postmaster General Creswell directed the postmaster at Little Rock to deliver to each claimant all letters addressed to him by name or by official title and to hold for further orders all letters addressed "Governor of Arkansas."[2] When complaints were raised that Baxter's partisans were censoring telegraphic messages and thus interfering with private business and with an agent of the United States government, United States troops took possession of the telegraph office to secure its non-partisan operation.

For approximately a month there was intense excitement throughout the state, especially amongst those active in the councils of political parties. Baxter's forces were stationed but a short distance from the capitol grounds, where the opposing forces were constructing defensive works. From time to time each force was strengthened by the arrival of armed partisans. Those in charge of Baxter's cause seized all the arms in the stores and shops of Little Rock and dispatched agents to Texas to purchase or borrow others. Brooks hurried an agent to St. Louis to purchase arms and ammunition. At Little Rock there were threatening demonstrations from both sides, but no actual engagements.

[1] *Daily Republican*, April 18th, 1874.

[2] Harrell, *Brooks-Baxter War*, p. 222.

Disturbances broke out in many communities throughout the state, but were confined to the most violent partisans of each side.[1] The most serious clash at arms occurred in Jefferson County, where a force of Baxter's supporters inflicted a loss of ten or twelve on the Brooksites gathered at New Gascony. Perhaps as many as 200 lives were lost during the excitement, but a considerable proportion of the casualties were due to accidental causes.[2]

The command of both military forces was soon in the hands of ex-Confederates. From the beginning of the trouble Baxter placed General R. C. Newton, an ex-Confederate brigadier general, in charge of his forces, and on April 20th, when a serious conflict seemed imminent, Brooks placed General J. F. Fagan, an ex-Confederate major general, in charge of the Brooks militia. As soon as Brooks made that change in his military organization a number of Democrats joined a larger number of Republicans in a call for the people to rally to Brooks.[3] With this call the situation assumed a more threatening aspect. Arms and men, as well as offers of more arms and men, were reaching both camps every few hours. Local disturbances were becoming so frequent that business was practically suspended.[4] When it was evident that Baxter's forces were preparing to make an attack, the United States forces were stationed so as to prevent a collision.

When it dawned on Baxter that the United States troops were determined to prevent an appeal to force, he telegraphed President Grant that he proposed calling the legislature into special session for the purpose of settling the

[1] *Pub. Arkansas Historical Association*, vol. II, p. 136.

[2] *Ibid.*, p. 173.

[3] Harrell, *Brooks-Baxter War*, p. 236.

[4] *An. Cyc.*, 1874, p. 44.

question as to who was Governor of Arkansas, and suggested that it would be necessary for the President to give the members of that body assurances of protection and safety. At the same time he expressed himself as willing to abide by the decision of the legislature. To that message President Grant replied on April 22nd endorsing any peaceable attempt to settle the troubles in Arkansas by the legislature, by the courts or otherwise, and promised all the protection authorized under the constitution and laws of the United States.[1] Baxter thereupon issued a call for the members of the legislature to meet on May 11th, 1874.[2]

Brooks, realizing that the validity of his claim to the office of governor rested solely on the decision of Judge Whytock in circuit court, now insisted that only the state courts could decide the question. Acting on the suggestion of United States Attorney-General Williams in his communication of April 16th that the question be left to the courts, friends of Brooks arranged to enable the state supreme court to reverse its own position of 1872 on the *quo warranto* case. It was understood that a majority of that court were ready to escape the embarrassment in which they had placed their party by that decision. It was now determined to bring the court to pass directly upon the question of the jurisdiction of Judge Whytock's court. The state auditor, on application of Joseph Brooks acting as Governor of Arkansas, drew his warrant on State Treasurer Henry Page for $1,000, payment of which was refused. Thereupon Brooks applied to the state supreme court for a *writ of mandamus* compelling the treasurer to pay the amount of the warrant. Treasurer Page offered in defense the plea that Joseph Brooks was not governor of Arkansas, to which Brooks demurred. The court on May 7th, 1874, overruled.

[1] Harrell, *Brooks-Baxter War*, p. 231.

[2] *Ibid.*, p. 233; *An. Cyc.*, 1874, p. 43.

the demurrer and ordered the writ of mandamus issued on the ground that Judge Whytock's decision in awarding the office of Governor of Arkansas to Brooks had been regular and valid.[1]

When the state supreme court rendered this decision it was only four days until the legislature was to meet on Baxter's call, and the situation was critical. For three weeks attorneys and politicians of both sides had been in Washington urging their respective claims.[2] The Arkansas Senators and Representatives in Congress, with one exception, espoused the cause of Brooks; and Colonel U. M. Rose, General Albert Pike and Colonel R. W. Johnson were there especially to present the legal and constitutional aspects of Baxter's claims to President Grant and Attorney-General Williams. Cooperating with these leaders were numerous politicians of less weight engaged in printing and distributing pamphlets and circulars purporting to argue the true merits of the case.[3]

In the midst of such conflicting reports and charges the authorities at Washington felt that the best way to adjust the matter was to leave it to the state courts; but Baxter's representatives had little difficulty in showing that such a course was both unconstitutional and partisan. In fact the persistency and energy with which they urged this view led to a compromise.

On May 9th Attorney-General Williams telegraphed to Little Rock that it had been agreed at Washington City by attorneys and agents representing the two claimants that Brooks and Baxter should issue separate calls for the members of the legislature to meet in special session on the

[1] *Arkansas Reports*, vol. 29, p. 199; *Daily Republican*, May 7th, 1874.
[2] *Daily Republican*, May 6th, 1874; *Van Buren Press*, May 5th, 1874.
[3] *Daily Republican*, May 6th, 1874; *Gazette*, July 25th, 1874.

fourth Monday in May to pass on the claims of Brooks to the office of governor; that the legislature should be permitted to meet without molestation by adherents of either party; that all troops, except a bodyguard for each claimant, be relieved from duty and sent home; and that President Grant should decide who was to exercise the functions of governor pending the decision of the legislature.[1] Baxter immediately declined the proposition, insisting that the legislature be permitted to meet under the call he had issued on April 2nd.[2] Brooks accepted the Attorney-General's proposition, but reasserted by way of reminder that the state supreme court, the tribunal with ultimate authority to interpret the constitution of Arkansas, had decided in the case of Brooks versus Page that the circuit court of Pulaski county had properly adjudged him Governor of Arkansas.

While these attempts at adjustment were being made, members of the legislature were arriving at Little Rock for the special session called by Baxter. When the hour arrived for them to assemble Baxter issued a proclamation revoking martial law in Pulaski County "in so far as the meeting and the deliberations of the legislature are concerned" and warning all persons not to interfere with members of that body, individually or collectively, so long as the session might continue.[3] In the afternoon of the day on which martial law was revoked, President Grant, in view of the fact that there was no quorum of the legislators in Little Rock, suggested to Baxter that the members present adjourn for a period of ten days to enable Brooks to call in those members who had refused to respond to Baxter's call, and suggested that both sides disband all armed forces

[1] *Daily Republican*, May 11th, 1874; *An Cyc.*, 1874, p. 46-59.

[2] *An Cyc.*, 1874, p. 46-49.

[3] *Publication Arkansas Historical Association*, vol. II, p. 162.

in order that the legislature might meet unmolested.[1] To the President's suggestion Baxter replied that he was willing for members of the legislature to adjourn from day to day, as by the state constitution they were authorized to do, until all of the representatives favorable to Brooks should have an opportunity to reach Little Rock. He agreed to disband his forces in proportion as the Brooks forces were disbanded, and demanded that the public buildings of the state be surrendered to the secretary of state, as the only person authorized by law to have charge of them.[2] About the same time he notified his military supporters that he had no intention of acceding to any proposition submitted by Brooks or his friends.[3]

President Grant, thinking Baxter's proposal reasonable, directed Attorney-General Williams to ask Brooks to accept it immediately. It was intimated to Brooks that his own interests required his compliance.[4] Senator Clayton and B. F. Rice, chairman of the Reform Republican state central committee, telegraphed Brooks from Washington urging him to accept without delay the President's proposition of May 9th, warning him against relaxing his own efforts, and promising to telegraph their reasons for this advice as soon as Baxter should accept the same proposition.

Brooks, however, refused to accept the President's suggestion, holding that such action would be equivalent to a partial recognition of Baxter as governor in that it recognized his right to call the legislature into special session. As

[1] *An. Cyc.*, 1874, p. 46-49; *Pub. Arkansas Historical Association*, vol. II, p. 162.

[2] *Publication Arkansas Historical Association*, vol. II, p. 163.

[3] *Daily Republican*, May 12th, 1874.

[4] *Publication Arkansas Historical Association*, vol. II, p. 164; *An. Cyc.*, 1874, p. 46-49.

a counter proposition Brooks asked that the President decide the question on the basis of the evidence already submitted. He now reasserted his claims to the office in question and declined to disband his troops until the governorship had been setled or until required to do so by the President of the United States.[1] As far as the officers of the state government were concerned, this communication insisted that, if any of their prerogatives were interfered with, the courts of the state and not the President, were the proper tribunals to redress their grievances. He pointedly charged that the President by waiting for the legislature to assist him in deciding the real question at issue was encouraging an indiscriminate slaughter of colored men and a great loss of life and property on the part of other citizens.[2]

It was a mistake on Brooks' part to reject any proposition the President might make, and the way in which he rejected this one was foolhardy. It must have been unpalatable for the President and Attorney-General to have from Joseph Brooks such lessons on official propriety as his telegram of May 11th contained. The situation in and near Little Rock was becoming somewhat alarming. Armed men were arriving at the capital in increasing numbers, and skirmishes between the opposing partisans were more frequent. President Grant had reached the conclusion that definite steps should be taken to allay the excitement, and this apparent obstinacy on Brooks' part must have exasperated Republican politicians in Washington. In that communication Brooks sealed his own doom, for events now moved so rapidly that he was never able to regain his full standing with the federal authorities.

On May 13th both houses of the legislature organized

[1] *Daily Republican*, May 13th, 1874; *An. Cyc.*, 1874, p. 46-49.

[2] *Daily Republican*, May 13th, 1874.

and on the next day telegraphed to President Grant a joint resolution requesting him to place them in possession of the legislative halls and other "public property of the state house square."[1] Pike, Johnson, and Rose were persistent in pressing the legal basis of Baxter's case before the administration officials, and Judge W. W. Wilshire was effective in charging the leading Arkansas Republicans with deserting Baxter and supporting Brooks from unworthy motives.[2] The mere facts that Baxter had been declared elected, had been duly inaugurated, and had been supported for sixteen months by the very men who now so violently denounced him were formidable obstacles to the men who represented Brooks at Washington. Baxter's supporters did not deny that Brooks had received a majority of the votes cast in the gubernatorial election of 1872. It was not difficult for them to convince Republican leaders at Washington that the courts of Arkansas had been prostituted to partisan ends. It was reported that President Grant had assurances from a personal friend that the cause of opposition to Baxter was his refusal to sign certain railroad bonds.[3] And a telegram of May 14th from Brooks to Grant reviewing his claims to office and demanding an investigation of the whole case by Congress, undoubtedly hastened the decision of the President.[4]

On May 15th, a month from the beginning of the revolution, Attorney-General Williams after an exhaustive review of the history of the cause of Brooks versus Baxter, reached the conclusion that the decision of the circuit court awarding the office of Governor of Arkansas to Joseph

[1] Harrel, *Brooks-Baxter War*, p. 249.

[2] *Daily Republican*, May 6th, 1874; *Gazette*, May 19th, 1874; Harrell, *Biographical and Pictorial History of Arkansas*, p. 539.

[3] Harrell, *History of Arkansas*, p. 540.

[4] *Daily Republican*, May 15th, 1874.

Brooks was void and recommended to the President immediate action. In the afternoon of that day the presiding officers of the two houses of the state legislature received from President Grant a proclamation recognizing Baxter as governor and commanding all those in armed opposition to Baxter's authority to return to their homes within ten days and to submit to the constitutional authorities of the state.[1]

Within twenty-four hours of the receipt of the President's proclamation Generals Newton and Fagan agreed upon terms whereby the state should provide for transporting all troops of both parties to their homes, and all danger of immediate violence was over. Within the second twenty-four hours all of the Brooks troops had departed for their homes, and Governor Baxter and the legislature occupied the capitol building.[2] By the end of May all of the state officers who had supported Brooks had resigned or had been removed and their places filled with Democrats or Baxter Republicans.[3] Officers who had supported Brooks and showed no inclination to resign their offices readily vacated when it was intimated that they might be removed by impeachment.[4] Forthwith there set in an exodus of Republicans.[5]

The Democrats, now with a working majority in both houses of the general assembly and feeling assured that President Grant would not interfere with their course, proceeded directly to a solution of all the complications raised by the Brooks-Baxter imbroglio. Refusing to consider

[1] Harrell, *Brooks-Baxter War*, p. 257.

[2] *Daily Republican*, May 20th, 1874.

[3] *Daily Republican*, May 21st, 23rd, 26th, 27th and 29th, 1874; *Arkansas Gazette*, May 21st, 1874; *Van Buren Press*, May 26th, 1874.

[4] *Daily Republican*, May 29th, 1874.

[5] *Van Buren Press*, May 26th, 1874; *Gazette*, May 21st, 1874.

Brooks' request that the gubernatorial vote of 1872 be recanvassed,[1] a law was enacted May 18th, authorizing a convention to revise the constitution of the state. This act provided for an election on June 30th to determine whether there should be a convention and for delegates thereto in case the vote for a convention prevailed. After fixing July 14th as the date for the assembling of the proposed convention, the act apportioned the delegates and empowered the legislature to appoint by ballot a state board of supervisors consisting of three men of known intelligence and uprightness who in turn should appoint for each county in the state a board of county election supervisors consisting of three men, prescribe the form of the ballots, and pass finally on all returns made by the county boards. Judges and clerks of election, appointed by the county boards, were made judges of the qualifications of electors.[2]

This sudden and direct move for a constitutional convention embarrassed the Republicans, for they had back in 1873 favored just such a step as the best means of ridding themselves and the state of Elisha Baxter.[3] But after March, 1874, when the Democrats began agitation for such procedure, Republicans doubted its wisdom and denied its constitutionality. However, when the convention had been authorized the editor of the *Daily Republican* declared that such a convention could not have been postponed for any great while.[4] "We cordially accept the situation," he wrote, "and heartily approve of amending the organic law in all particulars in which wisdom and experience have sug-

[1] *Daily Republican*, May 15th and 16th, 1874; Pomeroy, *The Constitution of Arkansas*.

[2] *Laws of Arkansas*, 1874, p. 3.

[3] *Van Buren Press*, September 9th, 1873.

[4] *Daily Republican*, May 19th, 1874.

gested defects. And now let us have an improved constitution, if one can be formed and devised." [1] All that this editor asked was a "clean sweep of all the fraudulent appliances, including Baxter himself, which it is admitted have stained the reputation of the state at home and abroad." [2] Although convinced that the state was escaping the "minstrel ring" only to fall into the clutches of another corrupt clique, he asserted that "nearly every one" was in favor of a convention and advised reformers who had supported Brooks, and Democrats and Republicans irrespective of party affiliations, to unite in an effort to elect only "considerate and substantial citizens" as delegate.[3] After the convention assembled this same editor stated that the hope of ousting Governor Baxter was the sole reason why Republicans had favored a change in the organic law.[4]

While Republican leaders were apparently acquiescing in the movement for a convention, the Democrats entered upon a period of rejoicing over their prospective deliverance from Republican rule.[5] On May 22nd Governor Baxter proclaimed the election provided for by the act of May 18th and designated June 4th as a day of thanksgiving for the deliverance of the state from the hands of public enemies.[6] Already had Democratic congregations been holding thanksgiving services and Democratic ministers had been preaching sermons in commemoration of their "deliverance out of the hands of wicked and corrupt men".[7] After much talk

[1] *Daily Republican*, May 22nd, 1874.
[2] *Ibid.*, May 19th, 1874.
[3] *Ibid.*, May 21st, 1874.
[4] *Ibid.*, July 24th, 1874.
[5] *Gazette*, May 30th, 1874.
[6] *Ibid.*, June 4th, 1874.
[7] *Ibid.*, May 19th, 1874.

of prosecuting as traitors those who had supported Brooks, Baxter's friends declared against punishing any who were willing to yield obedience to the constitutional authorities.[1] Since the legislature during the special session had passed an amnesty act for Brooks' supporters agitation for the prosecution of such men did nothing more than drive them from an attitude of conciliation to one of defiance.[2] The temper of Republicans was greatly cooled when Governor Baxter on June 1st, modified his martial law proclamation so far as to remove all interference with the legitimate processes of the civil courts.[3] And with confidence in the future thus strengthtened the people generally returned to their tasks and Brooks' supporters who had left the state when President Grant recognized Baxter were allowed to slip back into their accustomed places without annoyance.[4]

The Democrats, styling themselves the Democratic-Conservative party, made a thorough canvass for the convention and carried the election by a majority of 71,712 in a total vote of 80,259.[5] At the same time they elected more than seventy of the ninety-one delegates, declaring that their victory was so sweeping as to leave no grounds for charges of irregularities.[6] But the Republicans raised the cry of fraud, charging their opponents with stuffing the ballot boxes, rejecting valid Republican ballots, repeating, and intimidating the negroes.[7] It appears that at a number of precincts state militiamen made themselves useful in increasing the

[1] *Gazette*, May 30th, 1874.

[2] *Daily Republican*, June 1st and 13th, 1874; *Van Buren Press*, June 28, 1874.

[3] *Daily Republican*, June 2nd, 1874.

[4] *Gazette*, June 14th, 1874.

[5] *Pomeroy, Constitution of Arkansas*, p. XX; *An. Cyc.*, 1874, p. 49.

[6] *Gazette*, July 2nd, 1874.

[7] *Daily Republican*, July 3rd and 22nd, 1874.

Democratic vote.[1] In Phillips County where the colored voters outnumber the white ones two to one 3,296 votes were cast for, and not one against, a convention.[2] The Democrats attributed this result to a combination of negro Republicans and Democrats, Republicans charged it to pernicious activities of the "white League" which was only the Ku Klux organization in new form.[3]

A large majority of the members of the convention were men of ability, well and favorably known throughout the state and identified with the substantial interests of their respective communities.[4] The scalawag influence controlled the Republican minority. There were only four negro members and they were moderate in temper if not in their views. The Democratic members were elected and came together under the impression that they were to be the chief actors in a work of reform.[5] That reform, as they understood it, was to be the undoing of the work of the Republican party in Arkansas as far as the state constitution was concerned. Outside influences were on the whole conductive to smooth and unimpassioned deliberations. Republican leaders generally satisfied themselves with the hope that the work of the convention would be set aside through the intervention of the federal government; and to prevent any revolutionary interference with its work, Governor Baxter stationed a small force of state militia near the building in which the sessions were held.[6]

[1] *Daily Republican,* July 15th, 1874.

[2] *Gazette,* July 8th, 1874; Pomeroy, *Constitution of Arkansas,* p. XXI.

[3] *Daily Republican,* August 5th and 15th, 1874.

[4] *Publication of the Arkansas Historical Association,* vol. IV, p. 210 *et seq.*

[5] *Daily Republican,* August 6th, 1874.

[6] *Ibid.,* August 6th, 1874.

The proceedings of the convention moved along with remarkable harmony. The Republicans showed little disposition to obstruct the plans of the majority, while the Democrats on their part displayed studied consideration for the Republican members, especially the colored ones.[1] There was apparent no fear whatsoever of negro domination or of Republican rule in the future.[2] No time was lost in getting at the chief problem at hand. After the election of officers, the awarding of contested seats, and the selection of standing committees in a way to secure Democratic control of all the proceedings, attention was turned directly to the framing of a constitution; and except occasional outbursts of invective against Republican corruption or Bourbon tyranny there was nothing to disturb the feelings of the delegates.

The subjects on which attention was riveted were the elective franchise, elections, retrenchment and economy, taxation, executive patronage, martial law, length of official tenure, and the public credit. Avowing a purpose to stay within the recognized province of a constituent assembly, little sympathy was shown for attempts to lead the convention into matters purely legislative. They digressed from this course on August 8th to suspend by ordinance the registration law then in force.[3]

On submitting the proposed constitution for ratification or rejection by the electorate, a special committee was chosen in the convention to enumerate and explain the features which distinguished that instrument from the constitution of 1868.[4] These distinguishing features lay in a provision for the popular election of all officers of the state govern-

[1] *Gazette*, July 15th, 1874.

[2] *Ibid.*, July and August, 1874.

[3] *Ibid.*, August 8th, 1874.

[4] Committee was composed of H. M. Rector, R. K. Garland, J. W. Butler, S. P. Hughes, and Bradley Bunch.

ment, in the prohibition of any form of registration as a prerequisite for voting, in the reduction of the number of officers to the minimum adequate for economical and successful administration of government, in prohibiting the legislature levying property taxes beyond two per cent of the assessed valuation, in restricting to narrow limits the power of the legislature to contract debts, in manifold limitations on local and special legislation, and in guaranteeing equal rights "to all, regardless of race, color or previous condition of servitude." [1]

The proposed constitution was now before the electorate. The Democratic-Conservative forces lost no time in arranging for a thorough canvass both for the ratification of the constitution and for the election of their candidates to all state offices.[2] At the same date and under the same conditions as for the vote on the constitution all state officers provided for under it were to be elected. The third section of the schedule of the constitution fixed October 13th as the date for the election, provided in minute detail for conducting it, and entrusted its supervision to a state board of supervisors consisting of the same men who supervised the election of June 30th. Governor Baxter took ample precaution that the polling places should be free from disturbing influence.[3] All registrars still serving under the law of 1868 were informed by the governor that their connection with the election extended no further than the appointment of judges and clerks of election.[4]

The Democratic-Conservative forces called a state convention of their party to meet at Little Rock on September

[1] Pomeroy, *Constitution of Arkansas*, p. XXII; *Gazette*, September 8th and October 4th, 1874.

[2] *Van Buren Press*, August 4th, 1874.

[3] *Ibid.*, September 22nd, 1874.

[4] *Gazette*, September 23rd, 1874.

18th, and set about reorganization with a view to attracting Republicans of conservative tendencies.[1] On assembling, this convention, under the influence of the ante-bellum Democrats, adopted a platform endorsing every feature of the proposed constitution and urging its support by all who favored the equality of all men before the law, honesty and capacity in office, speedy and just punishment of all crimes, purity and freedom of the ballot, the encouragement of education, and economy in government.[2] After Governor Baxter had declined their nomination for governor, first by more than a two-thirds vote and then by unanimous vote, Augustus H. Garland was nominated.[3] As candidates for the other state offices they selected some of the best old-time Democrats in the state.[4] All suggestions of repudiating any part of the obligations incurred during the Republican regime were condemned in unqualified terms in convention and later by the Democratic press and candidates.

As we have noticed, the first impulse of the Republican leaders was to offer no serious opposition to the movement for a new constitution. And while the constitutional convention was in session they generally maintained a passive attitude, merely denying the legality of such an assembly, on the grounds that the constitution of 1868 made no provision for amendment through a convention of any sort. Some of the more liberal-minded of them, including ex-Governor Murphy, acknowledged the regularity of the convention

[1] *Van Buren Press,* August 18th, 1874.

[2] *Gazette,* September 10th, 1874.

[3] *Van Buren Press,* September 15th, 1874; *Gazette,* September 9th, 1874.

[4] *Van Buren Press,* October 6th, 1874, Chief Justice, E. H. English; Associate Justices, D. Walker and William M. Harrison; Sec. of State, B. B. Beavers; Auditor, W.. R. Miller; Treasurer, T. J. Churchill; Attorney-General, S. P. Hughes; Commissioner of State Lands, J. N. Smithee; Chancellor, J. R. Eakin, Chancery Clerk, A. R. Witt.

and endorsed its work as enlightened and Democratic.[1] But when the constitution was submitted to the electorate Republican spokesmen planted themselves squarely on the proposition that everything done under and by authority of the Baxter state government after the decision of Judge Whytock in the case of Brooks versus Baxter, and especially everything done by authority of the special session of the legislature assembled on the call of Elisha Baxter in May, was null and void. Having all through this conflict held the view that the ultimate settlement of the question belonged to Congress, they now concluded that the wisest course for them to pursue was to abstain from all appearances of recognizing Baxter or anything emanating from his authority.[2]

The Republican state convention met in Little Rock on September 15th for the purpose of determining a line of policy for the immediate future.[3] In the official call for this convention the whole course of the state government following Baxter's call for the special session of the legislature was denounced as illegal, and on assembling, the delegates, under control of the radical element of the party and dominated by Senator Clayton, declared illegal every act done by authority of Baxter acting as Governor of Arkansas subsequent to Judge Whytock's decision. This action was in line with plans agreed on early in August at a conference at Hot Springs, Arkansas, between United States Senator O. P. Morton and some influential local Republicans. With fifteen of the counties of the state unrepresented in this body it was evident that the party was seriously demoralized

[1] *Gazette,* August 2nd, 1874.

[2] *Gazette,* August 15th, 1874; *Van Buren Press,* August 25 and October 6th, 1874; *Daily Republican,* October 16th, 1874.

[3] *Van Buren Press,* August 25th, 1874; Daily Republican, August 17th, 1874.

and its chances of defeating the constitution very slim. Without division of opinion it was agreed that they should make no nominations for offices provided for in the new constitution. They simply proposed ignoring the election of October 13th and holding an election of their own in November for the election of such officers as were provided for in the constitution of 1868.[1] The convention was unanimous in its decision to send forty-nine delegates to the proposed convention of southern Republicans to meet at Chattanooga on October 13th. One of the last acts of this convention was to vote thanks to the Poland investigating committee,[2] with a declaration of abiding confidence that Congress would overrule as illegal every act done under Baxter's authority.[3]

Though declaring their purpose of ignoring the election on the constitution, Republican agencies did not abstain from party activities during the canvass. Their plans called for definite and vigorous work. It had been agreed on at the Hot Springs conference that they stand unequivocally on the proposition that Congress had authority to set aside every act of the state government, subsequent to Whytock's decision, and to revive and support the claims of Joseph Brooks to the office of governor and to create such a local situation as to impress the Poland committee with the necessity of congressional intervention. And now in pursuance of that plan the Republican press declared that the Democrats of Arkansas had organized a White League through which they were ostracising all northern-born Republicans in the state, blackmailing Republican officials, and intimidating and murdering colored men who presumed to

[1] *Van Buren Press*, October 6th, 1874.

[2] *Infa*, p. 434.

[3] *Daily Republican*, September 16th, 1874.

show interest in political questions. But as the canvass proceeded the rank and file of Republicans decided to vote at the election. This change was due in part to fear that the Democrats were gaining ths confidence of the conservative negroes by the declarations of Mr. Garland and other candidates assuring negroes that the proposed constitution protected their rights equally with the rights of white persons and that it guaranteed them educational advantages. Mr. Garland had promised that the civil rights law then on the statute books should not be repealed if the constitution should be ratified and he elected governor.

The election resulted in the ratification of the constitution and the choice of the Democratic state ticket by overwhelming majorities. Of the 103,500 votes cast there was a majority of 53,890 for ratification. The majorities for the Democratic candidates fell but little short of that for the constitution. This vote exceeded that cast at any previous state election, and only six counties showed majorities against ratification. There is no doubt that Republican votes contributed materially to this result.[1] It is equally clear that the friends of ratification committed irregularities. While the Democrats rejoiced at the result, Republicans denounced the election as fraudulent and unconstitutional.

There were now open to the Republicans three courses. They could accept the new constitution and Garland's election, hold their party intact, and seek to gain control of the state government at future elections; or they could continue to deny the legality of any and every act subsequent to May 15th, 1874, and support Brooks' claims until Congress should be inclined to place him in the governor's office; or they could deny the legality of Baxter's government, to-

[1] *Van Buren Press*, December 15th, 1874; *Daily Republican*, November 25th, 1874.

gether with that of Garland's election, and await an opportunity favorable for seizing power in the name of Brooks or some one else. This last course they pursued first.

The new constitution provided that the state officers elected on October 13th should qualify and enter upon their duties within fifteen days after being officially notified of their election by the state board of supervisors.[1] On October 30th that board made its official report, and on November 13th unexpectedly to the public Garland and the other state officers entered upon their duties. Governor Baxter retired, pronouncing his blessings on his successor. The Republicans were surprised at the ease and rapidity with which the new order of things was inaugurated. On November 3rd the Republican secretary of state, J. M. Johnson, had declared that no commissions would be issued to officers elected on the 13th of October,[2] but now it was found that the new officers were able to enter upon their duties without commissions. A few desperate Republicans now encouraged Volney Voltaire Smith, lieutenant governor under Baxter, to lay claim to the office of governor of Arkansas.

Smith had been elected on the ticket with Baxter, had served up to the opening of the Brooks-Baxter troubles, had supported Brooks throughout that contest, but had returned to his office when Baxter was recognized by President Grant. When the legislature convened in special session under Baxter's call Smith presided over its session. He signed the bill providing for a constitutional convention and was elected to and served in that convention. He was one of the Republicans who participated in the election of October 13th as perfectly regular in all respects. He had

[1] Pomeroy, *Constitution of Arkansas*, p. 66.

[2] *Gazette*, November 5th, 1874.

done nothing that suggested doubt as to the regularity or constitutionality of the course of events which had led to the inauguration of Garland as governor. But when Baxter retired from office Smith set up the claim that such retirement was equivalent to resignation, leaving himself the only claimant to the vacant office under the constitution of 1868, the new constitution being now considered illegal.

Smith now tried to set up a state government of his own. He issued a proclamation setting forth his claims and purposes; secured an opinion from the recent state attorney-general, Yonley, supporting his claims; and hastened off to Washington to lay his case before the Attorney-General of the United States. On his arrival in Washington the President and other Republican leaders refused to countenance his claims, President Grant taking the position that as a committee of Congress was then investigating affairs in Arkansas the executive should not interfere.[1] It was reported that members of the cabinet held the same view.[2] Governor Garland acted with promptness to forestall any danger from local supporters of Smith. John G. Price was indicted and tried, but acquitted, on a charge of conspiracy against the State of Arkansas in publishing Smith's proclamation. On November 23rd the governor offered a reward of $1,500 for the arrest and delivery of Smith and his would-be secretary of state, Edward Wheeler, to the sheriff of Pulaski County, Arkansas. A group of negro leaders repudiated him outright, and soon the local Republican press dropped all interest in his case.[3]

With the passing of the Smith fiasco Republicans centered their hopes on the interference of Congress based on the

[1] *Daily Republican*, December 8th, 1874.

[2] *Gazette*, November 21st, 1874; *Van Buren Press*, November 24th, 1874.

[3] *Gazette*, November 18th, 1874.

report of the Poland committee, a possibility on which the wiser leaders had never ceased to rely. President Grant's hesitancy in supporting those endeavoring to replace Baxter with Brooks was attributed to the fact that such a course would brand as fraudulent the electoral vote of Arkansas in 1872 which was cast for Grant. It would likewise condemn as fraudulent the election of the state officers who were on the ticket with Baxter in 1872 but who had now come over to the support of Brooks. And what was most embarrasing at Washington was the fact that the repudiation of the election of 1872 meant the repudiation of the legislature of 1873 which had sent Stephen W. Dorsey to the United States Senate. But the triumph of Baxter and after him the Democratic party meant the downfall of Senator Clayton in Arkansas; and Clayton, the master of Arkansas Republicans, turned to his associates in Congress for support.[1]

The Poland committee was authorized by a resolution of the House of Representatives, reported from the committee on the judiciary by Representative Luke Poland on May 27th, 1874, and adopted the same day, to create a select committee "to inquire into the disturbed conditions of governmental affairs in the State of Arkansas, and all the facts relating thereto and the causes thereof, and whether said state has now a government republican in form, the officers of which are duly elected, and as organized now ought to be recognized by the government of the United States."[2] The day following the adoption of this resolution the Speaker of the House appointed the committee.

[1] *Van Buren Press*, August 25th, 1874, quoting the *New York Sun*.

[2] *Cong. Record*, 1874, p. 2095. On the committee were Representatives Luke Poland of Vermont, Milton Sayler of Illinois, Jasper D. Ward of Illinois, Woodbury of New York and Sloss of Alabama. Woodbury was later replaced by Scudder of New York.

When the investigating committee was created the Democrats were making rapid progress towards recovering control of the state government. A constitutional convention having been authorized and June 30th designated as the date for voting on the proposition, those favoring a new constitution were making desperate efforts to carry the election of that date. The committee began its work immediately and in earnest. Holding sessions in Washington they heard testimony from Judge John McClure, Benton Turner, William Harrison and other carpetbaggers, all tending to show that congressional intervention was necessary to the safety of life and property in Arkansas, that Elisha Baxter had never been elected governor of Arkansas, and that Joseph Brooks was entitled to the office of governor and deserved the support of the federal government in his efforts to secure his rights.

On June 3rd counsel for Governor Baxter appeared before the committee and argued the merits of his claims, securing from the investigators a definite promise that they would visit Arkansas before making a final report.[1] The governor on June 17th formally urged upon Mr. Poland the reasonableness and fairness of making such a visit before a report was made to the House of Representatives. Considerable effort on the part of the Republican press to stir up amongst Democrats opposition to the investigation failed utterly, for the Democrats realized the delicateness of their position and displayed a most cordial feeling for the members of the committee when they arrived at Little Rock.

Poland and Ward of the subcommittee appointed to visit Arkansas and make observations at close range held their first meeting on July 18th in the criminal court room of Pulaski County.[2] They heard both supporters and op-

[1] *Gazette*, June 4th, 1874.

[2] *Ibid.*, June 18th, 1874.

ponents of the Baxter government and soon found their work limited to an investigation of the election of 1872. Counsel for those who desired congressional intervention submitted figures and affidavits to prove that Brooks had been elected governor by a majority of 7,200 votes and that the legislature had declared Baxter elected by a majority of 3,111 votes.[1] On the strength of the evidence thus submitted they asked the committee to urge Congress to install Brooks as Governor of Arkansas.

Through counsel, affidavits, and personal testimony the Democratic version was laid before the committee. Without denying that fraud had been connected with Baxter's election and inauguration, they insisted that Baxter had not been a party to fraud of any kind, that he had received the hearty endorsement of the Republican authorities both in Arkansas and at Washington until he refused to cooperate with the legislature of 1873 in a legislative program which he considered corrupt, that he had acted within his constitutional rights in making his appointments, in resisting Brooks' efforts to secure the office of governor, in calling the special session of the legislature, and in all other acts done in support of the movement for a new constitution.

But little new light was shed on the situation by the investigation made at Little Rock. The full subcommittee never met during its sojourn in Arkansas. Sayler did not reach the state until November 19th, two days after Poland in disappointment at the findings had left for Washington.[2] Ward left for Chicago on November 21st. Their meetings had been at irregular intervals and interspersed with subtle manoeuvrings by politicians to influence their decision.[3] The Democrats succeeded in impressing Poland and

[1] *Daily Republican*, July 21st, 1874; *Van Buren Press*, July 28th, 1874.

[2] *Van Buren Press*, November 24th, 1874.

[3] *Gazette*, November 13th, 1874.

Sayler with the fact that peace and order were accompanying the return of the Democrats to control of the state government. The Republican leaders won Ward to their views, for he left Arkansas convinced that congressional action was necessary to the establishment of a just and efficient state government.

Soon after the departure of the members of the subcommittee the leaders of the Republican party in Arkansas began drifting to Washington where they joined Senators Dorsey and Clayton in a last effort to influence Congress through the report of Mr. Poland's committee,[1] which resumed its investigation early in December. On December 17th and 18th Judge John McClure restated for the committee's consideration the grounds on which the Republicans of Arkansas based their contention. Within a few days after McClure's appearance before the Committee General Sheridan, in command at New Orleans, reported to the secretary of war that Arkansas was terrorized by armed military organizations which might best be curbed by a proclamation from the President declaring such men banditti and thus subject to trial by military commission.[2] General Sheridan had not been in Arkansas, and consequently his report was considered by the supporters of the government under Garland as pernicious misrepresentation designed to influence Congress. The local clergy, business men, and even ex-Union soldiers denounced the General's report as untrue.[3] The President apparently was waiting for a report from the investigating committee, and it was generally understood that in the secret meetings of that committee Scudder was unequivocally opposed to any form

[1] *Van Buren Press*, December 15th, 1874; *Gazette*, December 10th and 29th, 1874.

[2] *Van Buren Press*, January 19th, 1874.

[3] *Ibid.*, January 12th, 19th and 23rd, 1874.

of interference with the political situation in Arkansas, that Poland and Sayler were wavering, and that Ward favored the immediate recognition of Brooks as governor by Congress.[1]

The failure of the investigating committee to agree on a report delayed action of Congress or by the President, and during that delay it became more and more evident to responsible party leaders at Washington that the Arkansas situation must be settled in the light of the situation in Louisiana.[2] In order to give the appearance of endorsement to the administration's policy in Louisiana, it seemed necessary that Baxter, and consequently Garland, must be sustained. Senator Logan in his defense of the administration's policy in Louisiana had taken the position that the federal government could not go back of the record presented by the local authorities of the state on the matter of the election returns, and that was accepted as sound for the Louisiana case. It soon became apparent that the same principle should determine the Arkansas case. Such a course meant that Republican control of Arkansas should be sacrificed in order to perpetuate Republican control of Louisiana.[3] And as soon as this decision was reached the Poland committee found itself able to agree on a report.

On February 6th Poland submitted to the House of Representatives a report signed by all members of the committee except Ward, who submitted a minority report. The majority report included a resolution to the effect that it was not advisable for any department of the federal government to interfere with the existing government of Arkansas. Mr. Ward offered as a substitute a resolution to the effect that Joseph Brooks had been elected governor of Arkansas

[1] *Van Buren Press*, January 26th, 1874.

[2] *Ibid.*, January 19th, 1874.

[3] *Ibid.*, January 26th, 1874, quoting *St. Louis Republican.*

in 1872 under the constitution of 1868 and since that constitution had never been abrogated he was still the lawful governor of the state. Ward's resolution did not embody a suggestion of interference, but clearly implied such.

Two days after the submission of the two committee reports President Grant, in response to a Senate resolution offered by Senator Clayton calling for information relating to affairs in Arkansas, through a special message ventured an opinion that all the testimony relating to Arkansas affairs tended to establish the contentions of those favoring Brooks' claims, and asking Congress to take such action as would relieve the executive from acting upon such questions.[1] Coming as it did immediately after the report of the investigating committee and in response to a resolution offered by Clayton, the most irreconcilable of all the Arkansas Republicans, this message was construed by both Republicans and Democrats as a surrender of the President to Clayton. It was objectionable more for its implications than for any positive recommendations it contained.[2] Realizing that their last hope depended on Congress accepting the President's suggestion rather than that of the majority of the investigating committee, the Republicans in Arkansas endeavored to undermine Poland's influence by charging that he had been bribed between his departure from Arkansas and his arrival at Washington.[3] But their charges failed to impress either Congress or the public and along with the President's suggestion were condemned as unwarranted by the facts and designed in the interest of a small coterie of carpetbaggers who were seeking to perpetuate their control over the government of Arkansas against the expressed will of a vast majority of the people of that state.

[1] *Gazette*, February 9th, 1875; *Van Buren Press*, February 16th, 1875.

[2] *Gazette*, February 13th, 1875.

[3] *Daily Republican*, February 12th and 19th, 1875.

After the lapse of nearly a month, Poland on March 2nd, 1875, called up the report of his committee, and the House agreed that each member of the committee should have one hour in which to discuss the reports submitted on February 6th. After a long debate in which the whole ground of contention was repeatedly covered without the slightest additional light, and after a short filibuster led by Tremain of New York and Butler of Massachusetts, the House adopted the majority resolution by a vote of 150 to 81. Fifty-six members of the House declined to vote or were paired.[1]

When it became evident that neither the President nor Congress would interfere with the government as then constituted, the carpetbag Republicans of unsavory reputation made haste to leave Arkansas.[2] Those who proposed remaining in the state accepted the outcome in as good grace as possible. On the 5th of March Senator Clayton in a telegram published in the *Daily Republican* said : "The action of Congress on Arkansas affairs is conclusive. The validity of the new constitution and the government established thereunder ought no longer to be questioned. It is the duty of Republicans to accept the verdict, and render the same acquiescence which we would have demanded had the case been reversed." [3] The editor of the *Daily Republican* advised his party friends that they might as well accept the situation and prepare to recover control of the state government at the next election.[4] Within a week after advising Republicans to prepare for future control the *Daily Republican* shrank into a weekly paper which rapidly declined both in circulation and in the councils of the party.

Viewing the rapid progress of all departments of the state

[1] *Cong. Record*, February-June, 1875, p. 2117.

[2] *Van Buren Press*, March 2nd, 1875, quoting *St. Louis Dispatch*.

[3] *Daily Republican*, March 5th, 1875.

[4] *Ibid.*, March 5th, 1875.

government under Garland and feeling assured that the Democrats were not to be driven from power, the editor of the *Van Buren Press* declared the people of Arkansas free again and happy. "We start out anew and with this motto," he said, "charity for all, and illwill toward none, we can afford to be magnanimous. Let us show to our late oppressors that we know how to treat a fallen enemy. Let by-gones be by-gones, except to those who have notornously violated nearly every criminal law on our statute books, and they must answer to the law only. We invite people from all quarters. We invite good citizens to stay. The question from whence you came or to what party you have belonged will not be asked. Arkansas is large enough and rich enough in resources for all who will come. And to the colored people we propose to show that they have but to be good citizens, and they will find no change in their status except in the way of improvement. This much is said because unscrupulous men are trying to frighten them. We propose to show ourselves worthy of freedom, and after ten years of slavery, it tastes sweet. It is music to our ears: all hail, happy day!" [1]

Reconstruction and its first fruits were now in the past, and it was not yet revealed how long the people of Arkansas were to suffer from the years of Republican rule through which they had passed.

[1] *Van Buren Press*, March 9th, 1875.

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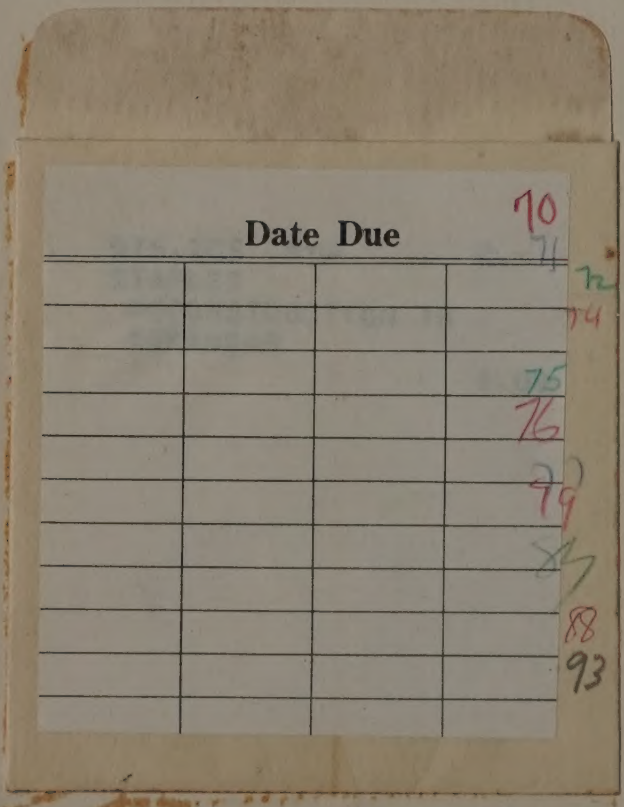
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